



Issue Date: 18 November 2014

CASE NOS.: 2014 FRS 71 and 2014 FRS 79¹
In the Matter of
ROBERT SIDDOCK,
Complainant

v.

GRAND TRUNK WESTERN RAILWAY CO.,
Respondent

Appearances: Mr. Robert B. Thompson, Attorney
For the Complainant

Mr. Noah G. Lipschultz, Attorney
For the Respondent

Before: Richard T. Stansell-Gamm
Administrative Law Judge

**HEARING CANCELLATION,
FINAL ORDER APPROVING SETTLEMENT &
DISMISSAL OF COMPLAINTS WITH PREJUDICE**

This matter arises under the employee protection provisions of the Federal Rail Safety Act of 2007 (“FRS”), Title 49 United States Code Section 20109. Pursuant to a Revised Notice of Hearing, dated October 5, 2014, I set a hearing date of December 2, 2014 for his case in Detroit, Michigan. On October 14, 2014, counsel advised that they had agreed to settle their dispute. On November 17, 2014, I received the parties’ settlement agreement. Consequently, since as set out below I approve the settlement agreement, the hearing scheduled for December 2, 2014 is **cancelled**.

I first note that the parties were ably represented by counsel. Further, the Complainant represents his understanding of the agreement’s provisions and the associated rights and obligations. Having reviewed the agreement, I find the provisions are fair, adequate and not contrary to public interest.² The settlement also supports a finding that Mr. Siddock’s two FRS

¹2014 FRS 71 – OSHA Case No. 5-2700-13-001, and 2014 FRS 79 – OSHA Case No. 5-2700-13-012.

²See *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep’t of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, 89-ERA-9, 89-ERA-10 (Sec’y Mar. 23, 1989) and *Heffley v. NGK Metals Inc.*, 89-SDW-2 (Sec’y Mar. 6, 1990).

complaints be dismissed with prejudice. Consequently, I **approve** the settlement agreement, and the parties shall implement their settlement as specifically stated in the agreement.

The parties have also agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality, I have sealed the settlement agreement. However, notwithstanding the parties' agreement, the parties' submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 (a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.³ I have included on the sealed agreement a provision that counsel shall be notified of any FOIA request prior to disclosure.

Accordingly, the two FRS complaints of Mr. Robert Siddock are **Dismissed with Prejudice**.

SO ORDERED:

RICHARD T. STANSELL-GAMM
Administrative Law Judge

Date Signed: November 18, 2014
Washington, DC

³See *Debose v. Carolina Power and Light Co.*, 92-ERA-14 (Sec'y Feb. 7, 1994) and *Darr v Precise Hard Chrome*, 95-CAA-6 (Sec'y May 9, 1995).