



Issue Date: 19 June 2015

CASE NOS.: 2014-FRS-00124

In the Matter of:

ROBERT SULLIVAN,
Complainant,

v.

CSX TRANSPORTATION,
Respondent.

ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT

This matter arises under the employee-protection provisions of the Federal Railroad Safety Act, U.S. Code, Title 49, §20109, as amended (“FRSA”), and its implementing regulations at 29 C.F.R. Part 1982. A hearing was scheduled to begin on May 20, 2015 in Newport News, Virginia, but it was canceled upon the parties’ representation that they wished to pursue a negotiated settlement.

By letter dated May 26, 2015, counsel for the Respondent forwarded an executed settlement agreement for review. Upon review of the settlement agreement, I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under the FRSA. My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under the FRSA. My approval should not be construed as approval of the resolution of any claims brought under any other federal statute or under state law.

Further, the parties agree that the settlement agreement should be confidential, and have requested that it be sealed and remain confidential. The Freedom of Information Act, 5 U.S.C. § 552, *et seq.* (1988) (FOIA), requires federal agencies to disclose requested documents unless they are exempt from disclosure. *Faust v. Chemical Leaman Tank Lines, Inc.*, Case Nos. 92-SWD-2 and 93-STA-15, ARB Final Order Approving Settlement and Dismissing Complaint, March 31, 1998. The records in this case are agency records which must be made available for public inspection and copying under the Freedom of Information Act. However, the employer will be provided a pre-disclosure notification giving the employer the opportunity to challenge any such potential disclosure. In the event the Agreement is disclosed, pursuant to 5 U.S.C. Section 552, *et seq.*, such disclosure is not a violation of the agreement and will not result in a violation of the agreement.

Based on the foregoing, IT IS ORDERED that the settlement between Complainant Robert Sullivan and Respondent CSX Transportation is APPROVED, and his complaint is DISMISSED.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge