



**Issue Date: 03 August 2016**

Case No.: **2015FRS00051**

*In the Matter of:*

MARVIN JAMES ABERNATHY, II,  
Complainant,

v.

EASTERN ILLINOIS RAILROAD,  
Respondent.

**ORDER DISMISSING CLAIM  
PURSUANT TO SETTLEMENT**

This claim arises from a claim of whistleblower protection under the Federal Rail Safety Act (FRSA), as amended.<sup>1</sup> On August 1, 2016, the Complainant filed motion for an order allowing him to withdraw his objections to the Assistant Secretary's findings and voluntarily dismiss the claim with prejudice, pursuant to a settlement. A copy of the parties' "Confidential Settlement Agreement and Release" was submitted for my review. I have reviewed the proposed settlement, and find that it is fair, adequate, and reasonable, and should be and is **APPROVED**.

**IT IS THEREFORE ORDERED** that the Complainant's motion is **GRANTED**. This claim is dismissed with prejudice, without costs, and with each party to bear his/its costs and attorneys' fees.

Alice M. Craft  
Administrative Law Judge

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<sup>1</sup> 49 U.S.C. § 20109 (2014).