



Issue Date: 21 September 2015

CASE NO. 2015-FRS-57

IN THE MATTER OF

MANUEL EDWARDS

Complainant

v.

KANSAS CITY SOUTHERN RAILWAY

Respondent

**DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This proceeding arises pursuant to a complaint alleging violations under the employee protective provisions of the Federal Rail Safety Act (“FRSA”), 49 U.S.C. § 20109. The Secretary of Labor is empowered to investigate and determine “whistleblower” complaints filed by employees who are allegedly discharged or otherwise discriminated against by Employers with regard to their terms and conditions of employment for taking any action relating to the fulfillment of safety or other requirements established by the above Act.

On 15 Sep 15, the parties signed a Confidential Settlement Agreement and Release (“Agreement”). The Agreement resolves the controversy arising from the complaint of Manuel Paul Edwards against The Kansas City Southern Railway Company under the statute. The settlement Agreement is signed by Complainant and Respondent.

I reviewed this Agreement to determine whether the terms thereof are a fair, adequate and reasonable settlement of Mr. Edwards’ allegation that Respondent had violated the FRSA.

Section 20109(d)(2)(A) of the FRSA states that the procedures for actions arising under the FRSA shall be governed by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century [hereinafter “AIR21”], 49 U.S.C. § 1979.111(d)(2) states that a case may be settled if the participating parties agree to a settlement and the settlement is approved by the administrative law judge. This order will constitute the final order of the Secretary. 29 C.F.R. § 1979.111(e).

The Agreement provides that the respondent shall make a payment to Complainant of a mutually agreed upon amount. The parties agree that this payment will satisfy all claims against the Respondent by the Complainant.

The parties have agreed to end the litigation, upon terms they have decided are favorable to each of them, without any admission of liability. The courts are designed to resolve “disputes.” With approval of this Agreement, there is no longer any dispute requiring a resolution. The parties, who are intimately familiar with the pros and cons of the alternative, i.e., litigation, have resolved any dispute. Such resolutions are to be encouraged. This limitation is not unreasonable.

As so construed, noting that the parties are represented by counsel, I find the terms of the Agreement to be fair, adequate and reasonable, and therefore approve it. Accordingly, the complaint filed by Manuel Paul Edwards is hereby dismissed with prejudice. As the complaint is dismissed, the Secretary’s Findings are hereby vacated.

In view of the foregoing, the hearing scheduled on **7 Jan 16 in Shreveport, Louisiana** is hereby **CANCELLED**.

ORDERED this 21st day of September, 2015, at Covington, Louisiana

PATRICK M. ROSENOW
Administrative Law Judge