



Issue Date: 22 March 2016

CASE NO. 2015-FRS-79

IN THE MATTER OF

KELVIN FLEMING

Complainant

v.

CANADIAN NAT'L RAILWAY/ILLINOIS CENTRAL

Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT,
DISMISSING CASE AND CANCELLING HEARING**

The above-captioned matter arises under the employee protection provisions of the Federal Rail Safety Act of 2007 ("FRS"), Title 49 United States Code Section 20109. By letter dated March 18, 2016, the Parties notified the Court that the case had settled and provided a copy of the Settlement Agreement and Release for approval.

I first note that the parties were ably represented by counsel. Further the Complainant's signature on the agreement 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 the public interest. The settlement also supports a finding that the complaint be dismissed. Consequently, approval of the agreement is appropriate.

Accordingly, it is hereby **ORDERED** that the Settlement Agreement and Release is approved and the Complaint is **DISMISSED WITH PREJUDICE**.

In view of the foregoing, the hearing scheduled on **July 12, 2016** in **Jackson, Mississippi** is hereby **CANCELLED**.

ORDERED this 22nd day of March, 2016 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge