

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 10 April 2015

CASE NO.: 2015-FRS-00002

In the Matter of:

ANTHONY LEWIS,
Complainant,

v.

UNION PACIFIC RAILROAD COMPANY,
Respondent.

ORDER APPROVING SETTLEMENT

This matter arises under the Federal Railway Safety Act (“FRSA”), 49 U.S.C. § 20109, and the implementing regulations found at 29 C.F.R. § 1982. Paula Rasmussen, Attorney at Law, represented Complainant. Steve Densley, Attorney at Law, represented Respondent. On March 20, 2015, the parties submitted a written request to approve a settlement agreement that was submitted pursuant to 29 C.F.R. § 1982.111(d)(2). On April 7, 2015, the parties submitted a faxed document that included Complainant’s March 20, 2015 signature agreeing to the settlement.

I note that the settlement agreement includes a confidentiality provision agreed to by the parties. The files maintained by this Office, including this settlement agreement, are subject to disclosure under the provisions of the Freedom of Information Act (“FOIA”), unless an exemption applies. 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The Department of Labor has regulations that govern the FOIA process, and exemptions are determined at the time of the request, not at the time of the filing of the agreement. 29 C.F.R. Part 70; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). Pursuant to the agreement and at the request of the parties, the settlement agreement is hereby ordered to be placed in a sealed and separate envelope, clearly marked with notice that the parties object to disclosure and seek the procedures of 29 C.F.R. § 70.26 prior to any release of information.

Having reviewed the settlement agreement, I find that the settlement terms are fair, adequate, and reasonable. *Price v. Norfolk Southern Railway Co.*, ARB Case No. 12-020, slip op. at 3, ALJ Case No. 2012-FRS-00051 (Feb. 3, 2012). I hereby approve the settlement agreement, the terms and conditions of which are adopted by reference and incorporated into this Order. Having approved the agreement, the matter is dismissed with prejudice. All dates are vacated.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge