



Issue Date: 04 January 2016

CASE NO.: 2015-FRS-00066

In the Matter of:

JOSEPH MUSACHIA,
Complainant

v.

UNION PACIFIC RAILROAD COMPANY,
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING CASE**

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 December 2, 2015, the Parties notified the Court that the case had settled and provided a copy of the Settlement Agreement and General 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.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality, I will have the settlement agreement sealed. However, notwithstanding the parties’ agreement, the parties’ submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

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

SO ORDERED this 4th day of January, 2016, at Covington, Louisiana

CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE