



Issue Date: 14 October 2016

Case No.: 2015FRS00062

In the Matter of:

ALDO PEREZ,
Complainant,

v.

UNION PACIFIC RAILROAD CO.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This case arose under Federal Rail Safety Act (FRSA), as amended,¹ which prohibits retaliatory or discriminatory actions by railroad carriers against their employees who engage in activity protected by the Act. On September 27, 2016, the parties submitted the “Parties’ Joint Motion to Approve Settlement” along with a “Settlement Agreement and Release of Claims” (“Settlement Agreement”) which resolves all issues raised in the Complaint, and is signed by the Complainant and a representative of the Respondent, for my review and approval.

My review of the Settlement Agreement is limited to a determination of whether its terms are fair, adequate and reasonable under the FRSA. *See Poulos v. Ambassador Fuel Oil Co.*, No. 91-ERA-25, slip op. at 2 (Sec’y of Labor, Nov. 4, 1991). The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to public interest. Upon review, I find the settlement to be fair, adequate and reasonable; that it adequately protects the Complainant; and that it is not contrary to the public interest.

IT IS THEREFORE ORDERED that the Settlement Agreement submitted by the parties is **APPROVED**. In accordance with the terms of the settlement, the complaint is **DISMISSED**. In accordance with the regulations, the settlement constitutes the final order of the Secretary of Labor and may be enforced under 29 C.F.R. § 1982.113 (2015).

Alice M. Craft
Administrative Law Judge

¹ 49 U.S.C. § 20109 (2014). Implementing regulations are found at 29 C.F.R. Part 1982 (2015).