



Issue Date: 16 May 2016

CASE NO.: 2016-FRS-00025

In the Matter of:

**ANDREZ BOLADO,
Complainant**

v.

**PACIFIC RAIL SERVICES, LLC,
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 telephone call dated February 24, 2016, the parties notified the Court that the case had settled and stated a copy of the Settlement Agreement and General Release would be submitted for approval soon.

On March 10, 2016, the parties filed an Agreed Motion to Withdraw Complainant’s Objections to Findings of Assistant Secretary. However, the Motion did not include a copy of the Settlement Agreement pursuant to 29 CFR § 1982.111(c) and 29 CFR § 1982.111(d)(2). As a result, I issued a Notice of Possible Deficiency on April 27, 2016, ordering the parties to submit a copy of the proposed agreement for my review. On May 4, 2016, the parties submitted a copy of the proposed agreement.

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.

ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Settlement and Final Release Agreement is **APPROVED**; and
2. The complaint is **DISMISSED WITH PREJUDICE**.

SO ORDERED this 16th day of May, 2016, at Covington, Louisiana.

CLEMENT J. KENNINGTON
Administrative Law Judge