



**Issue Date: 22 September 2016**

OALJ Case No.: 2016-FRS-00004  
OSHA Case No. 5-2700-14-025

*In the Matter of:*

**LE'MON DAVIS,**  
*Complainant,*

v.

**CONSOLIDATED RAIL CORPORATION  
AND NORFOLK SOUTHERN RAILWAY CO.,**  
*Respondents.*

**DECISION AND ORDER APPROVING SETTLEMENT  
AND ORDER OF DISMISSAL**

This proceeding arises under the Federal Railroad Safety Act ("FRSA"), 49 U.S.C. § 20109, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-053, and the applicable regulations issued thereunder at 29 C.F.R. Part 1982. On August 5, 2016, I received the Settlement and Final Release (the "Settlement") in this matter. After I noted a discrepancy in the breakdown of the settlement amount on page 1 of that document, I asked my law clerk to clarify the matter with the parties and then I received a revised version of page 1 of that document on August 29, 2016.

In the Settlement, Complainant states this matter shall be dismissed with prejudice and that each party shall bear his or its attorney's fees and costs. I have reviewed the Settlement and find its terms and conditions to be reasonable and appropriate, and that it was entered into voluntarily and not under duress. I also am aware that Complainant is represented by counsel in this matter. The terms and conditions of the Settlement agreement are thus approved.

Accordingly, I find good cause to approve the Settlement in this matter. Case No. 2016-FRS-00004 is hereby **DISMISSED WITH PREJUDICE**. All pending dates are vacated, and each party shall bear his or its own attorney's fees and costs.

**SO ORDERED.**

**PAUL R. ALMANZA**  
Administrative Law Judge

Washington, D.C.