



**Issue Date: 19 September 2017**

CASE NO.: 2016-FRS-00060

OWCP NO.: 5-4760-15-010

*In the Matter of:*

**JASON KING,**  
*Complainant,*

v.

**WISCONSIN CENTRAL LTD.,**  
*Respondent.*

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT**

These proceeding arises under the employee protection provisions of the Federal Rail 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. 110-53 (Aug. 3, 2007), and Section 419 of the Rail Safety Improvement Act of 2008, Pub. L. No. 110-432 (October 16, 2008), and the FRSA regulations issued at 29 C.F.R. Part 1982.

On December 29, 2016, I issued a *Notice of Hearing and Prehearing Order*, scheduling a hearing in this matter for May 1, 2017, in Madison, Wisconsin. I granted the Respondent’s request for a continuance on February 2, 2017, and the Complainant’s request for a continuance on June 14, 2017. On July 20, 2017, I issued an Order Rescheduling Hearing, for November 2, 2017, in Madison, Wisconsin.

On September 12, 2017, the parties submitted a fully executed *Confidential Settlement Agreement and Release of All Claims* (“Settlement”) for my review.<sup>1</sup> The Settlement resolves

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<sup>1</sup> Based on the wording of the Agreement, the parties have agreed that the terms of the settlement will be treated as confidential (Complainant has agreed to not disclose the terms of the agreement to “any person under any circumstances, except to his counsel, tax advisor, or as required by law,” and may only state that “[t]he matter has been resolved to [his] satisfaction and the satisfaction of [Respondent]”). The parties are thus afforded the right to request that information be treated as confidential commercial information where, as in this situation, they are required to submit information involuntarily. 20 C.F.R. § 70.26(b) (2001). The DOL is then required to take steps to preserve the confidentiality of that information, and must provide the parties with predisclosure notification if a FOIA request is received seeking release of that information. Accordingly, the Settlement in this matter will be placed in an envelope marked “PREDISCLOSURE NOTIFICATION MATERIALS.” Consequently, before any information in this file is disclosed pursuant to a FOIA request, the DOL is required to notify the parties to permit

the controversy arising from the complaint of Jason King (“Complainant”) against Wisconsin Central, Ltd. (“Respondent”). The parties represent that, upon Respondent’s fulfillment of the terms of the Agreement, Complainant will release any and all claims against Respondent arising out of his employment with Respondent, and that the present action shall be withdrawn.<sup>2</sup>

Having reviewed the Settlement terms and noting that the parties are ably represented by counsel, I find the terms, obligations, and conditions to be fair, adequate, reasonable, and not contrary to public policy. Based on the parties’ representations, I also find that the Settlement was not procured through duress. Accordingly, I approve the parties’ Settlement and dismiss the complaint with prejudice.<sup>3</sup> This Order shall have the same force and effect as one made after a full hearing on the merits. The parties shall implement the terms of the approved Settlement as stated in their agreement.

### **ORDER**

The settlement agreement is hereby **APPROVED** and this matter is **DISMISSED** with prejudice.

**SO ORDERED.**

**CARRIE BLAND**  
Administrative Law Judge

Washington, D.C.

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them to file any objections to disclosure. *See* 29 C.F.R. § 70.26 (2001). Furthermore, the undersigned will refrain from discussing the specific terms contained in the Settlement.

<sup>2</sup> As stated in *Poulos v. Ambassador Fuel Oil Co. Inc.*, Case No. 86-CAA-1, Sec. Order, (Nov. 2, 1987), “the Secretary’s authority over the settlement agreement is limited to such statutes as are within [the Secretary’s] jurisdiction.” I have accordingly limited my review of the Settlement to whether the terms of the Settlement are a fair, adequate, and reasonable settlement of Complainant’s allegations that Respondent violated the FRSA.

<sup>3</sup> This approval applies only to the FRSA complaint over which the Office of Administrative Law Judges has jurisdiction.