



Issue Date: 07 August 2018

CASE NO.: 2017-FRS-00112

OWCP NO.: 5-6850-16-060

In the Matter of:

GERARD GATTON,
Complainant,

v.

ILLINOIS CENTRAL RAILROAD ET AL,¹
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 February 12, 2018, I issued a *Notice of Hearing, Notice of Assignment, and Prehearing Order*, scheduling a hearing in this matter for June 5, 2018, in St. Louis, Missouri. I granted the parties’ request for a continuance on May 21, 2018.

On August 2, 2018, the parties submitted a fully executed *Confidential Settlement Agreement and Release of Claims* (“Settlement”)² for my review.² The Settlement resolves the

¹ Other named parties are Patrick Jones, Victor Williams, and Eric Maples.

² The parties are 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 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 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.

controversy arising from the complaint of Gerard Gatton (“Complainant”) against Illinois Central Railroad, et al. (“Respondents”).³

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.⁴ 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.

³ 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.

⁴ This approval applies only to the FRSA complaint over which the Office of Administrative Law Judges has jurisdiction.