



Issue Date: 07 March 2019

OALJ Case No.: 2017-FRS-00073

In the Matter of:

JEFFREY C. QUIGLEY,
Complainant,

v.

SOO LINE RAILROAD,
Respondent.

ORDER APPROVING SETTLEMENT AGREEMENT

This matter arises under the Federal Railroad Safety Act (FRSA or Act), as amended.¹ A hearing was held from September 11-12, 2018 and October 10, 2018, by Administrative Law Judge (ALJ) William Barto. On February 25, 2019, this matter was reassigned to the undersigned.

On March 1, 2019, the parties² filed a settlement agreement and release (Settlement Agreement). The Settlement Agreement is signed by Jeffrey Quigley (Complainant), and a representative from Soo Line Railroad d/b/a Canadian Pacific (Respondent). According to the terms of the Settlement Agreement, Complainant is to receive a one-time payment of a specific amount. In return, Complainant agrees to release and discharge any and all claims against Respondent, including dismissing the Complaint. The parties state that they agreed to keep the specific terms of the Settlement Agreement confidential and request the order approving the Settlement Agreement provide that the Settlement Agreement be sealed, withheld under FOIA, and remain confidential.

The undersigned's review of the Settlement Agreement is limited to a determination of whether its terms are fair, adequate, and reasonable under the FRSA. The Settlement Agreement must adequately protect the whistleblower and must not be

¹ 49 U.S.C. § 20109, as amended by Section 1542 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53 (Aug. 3, 2007).

² Specifically, the parties include counsel for Respondent, Tracey Holmes Donesky, Esq., and counsel for Complainant, Fred Bremseth, Esq.

contrary to the public interest. The undersigned's authority over settlement agreements is limited to the statutes that are within the undersigned's jurisdiction. Therefore, insofar as the Settlement Agreement is approved, my approval only extends to the terms of the Settlement Agreement pertaining to Complainant's current FRS case.

Pursuant to the parties' request, the Settlement Agreement will be sealed in a separate envelope and identified as "Confidential."³ With regard to confidentiality of the Settlement Agreement, the parties are advised that notwithstanding the confidential nature of the Settlement Agreement, all of their submissions in this case, including the Settlement Agreement, become a part of the record in this case and may be subject to the Freedom of Information Act (FOIA).⁴

Based on a review of the Settlement Agreement and the circumstances of this case, the undersigned finds that the Settlement Agreement is fair, adequate, and reasonable. In addition, the Settlement Agreement adequately protects Complainant and is not contrary to the public interest. Accordingly, the Settlement Agreement is hereby APPROVED and the complaint is DISMISSED with prejudice.

SO ORDERED.

JENNIFER WHANG
Administrative Law Judge

³ See 29 C.F.R. § 70.26(b).

⁴ 5 U.S.C. § 552 *et seq.* (2011). The Administrative Review Board has noted that

If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine at the time a request is made whether to exercise its discretion to claim the exemption and withhold the document. If no exemption were applicable, the document would have to be disclosed. Since no FOIA request has been made, it would be premature to determine whether any of the exemptions in the FOIA would be applicable and whether the Department of Labor would exercise its authority to claim such an exemption and withhold the requested information.

Seater v. S. Cal. Edison Co., USDOL/OALJ Reporter, ARB No. 97-072, ALJ No. 1995-ERA-00013 at 2-3 (ARB Mar. 27, 1997).