

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

Issue Date: 28 March 2017

ALJ NO.: 2017-FRS-00008

---

*In the Matter of:*

JOSEPH SONNICHSEN,  
*Complainant,*

v.

LONG ISLAND RAIL ROAD COMPANY,  
*Respondent.*

---

**DECISION AND ORDER APPROVING SETTLEMENT**

This proceeding arises from a complaint of discrimination filed under the Federal Rail Safety Act (“the FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (the “9/11 Act”), Pub. L. 110-53, 121 Stat 266 (Aug. 3, 2007).

On March 27, 2017, the parties submitted a “Motion to Approve Settlement and Dismiss Case,” attaching the parties’ Settlement Agreement (hereinafter the “Settlement”) for my review and approval. The Settlement resolves all issues raised in the complaint, has been signed by the Complainant, Complainant’s counsel, and Respondent’s counsel, and is incorporated herein by reference.

My review of the Settlement is limited to a determination of whether its terms are fair, adequate and reasonable under the FRSA.<sup>1</sup> The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to public interest.

After careful consideration of the Settlement, I find that the terms and conditions are acceptable. Moreover, I find the terms of the agreement to be fair, adequate, and reasonable under the FRSA, and that the terms adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Settlement as a basis for administrative disposition of this case, and I therefore approve the Settlement.

---

<sup>1</sup> See *Poulos v. Ambassador Fuel Oil Co.*, No. 91-ERA-25, slip op. at 2 (Sec’y of Labor, Nov. 4, 1991).

**IT IS THEREFORE ORDERED** that the Settlement submitted by the parties is APPROVED. The complaint is DISMISSED WITH PREJUDICE. In accordance with the regulations, the settlement constitutes the final order of the Secretary of Labor<sup>2</sup> and may be enforced under 29 C.F.R. § 1982.113.

**SO ORDERED.**

**COLLEEN A. GERAGHTY**  
Administrative Law Judge

Boston, Massachusetts

---

<sup>2</sup> 29 C.F.R. § 1982.111(e).