



Issue Date: 04 February 2020

CASE NO.: 2018-FRS-00087

OSHA NO.: 3-0050-18-036

In the Matter of:

TAWANDA CARTER,
Complainant,

v.

NAT'L RAILROAD PASSENGER CORP. (AMTRAK),
Respondent.

**ORDER APPROVING CONFIDENTIAL SETTLEMENT AGREEMENT
AND DISMISSING COMPLAIN WITH PREJUDICE**

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 January 30, 2020, the parties submitted a fully executed *Confidential Settlement Agreement and General Release* ("Settlement") for my review.¹ The Settlement resolves the controversy arising from the complaint of Tawanda Carter ("Complainant") against AMTRAK ("Respondent").²

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

¹ 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.

² 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.

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.³ 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 This approval applies only to any FRSA complaint over which the Office of Administrative Law Judges has jurisdiction.