



**Issue Date: 12 February 2018**

CASE NO.: 2018-FRS-00016

*In the Matter of:*

**AMY NELSON,**  
*Complainant,*

vs.

**COLUMBIA BASIN RAILROAD,**  
*Respondent.*

**ORDER APPROVING SETTLEMENT**

This is a claim under the employee-protection provisions of the Federal Railroad Safety Act, 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (Aug. 3, 2007). It has not yet been set for hearing.

The parties submit for court approval under 29 C.F.R. §1982.111, subsection (d)(2), their “Settlement Agreement and Release of All Claims” (the “agreement”) executed by the parties. Under the agreement, Respondent must pay the Complainant, Amy Nelson, \$27,000.00 both in settlement of her claims asserted in this action and in consideration of her execution of an included release agreement. Respondent must also assume responsibility for payment of a Railroad Retirement Board lien. These terms are more specifically set forth in the agreement, and incorporated into this Order by this reference.

The agreement also prohibits either party from disclosing the terms and conditions of the settlement to a third party, but “[t]his non-disclosure is subject to all applicable laws and instructions from any court of competent jurisdiction.” Under 29 C.F.R. §1982.107, subsection (a), the rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges control the determination of this claim, unless specifically excepted. Those rules, in turn, authorize this court to seal its records for the protection of privileged, sensitive, or classified material only after the court finds the reasons to seal its adjudicatory records outweigh the presumption of public access. 29 C.F.R. §18.85. No party having sought an order sealing the court’s record, and no party having submitted evidence suffi-

cient to support the necessary finding to seal the court record, the court does not seal the record of the agreement in this case.

On the record before me, the settlement set forth in the agreement appears fair and equitable. The court approves the settlement.

Under 29 C.F.R. §1982.111, subsection (e), this Order constitutes the final order of the Secretary and may be enforced in United States District Court pursuant to §1982.113.

SO ORDERED.

CHRISTOPHER LARSEN  
Administrative Law Judge