



Issue Date: 16 March 2018

Case No.: 2018-FRS-00008

GLYNN TUBBS,
Complainant,

vs.

CANADIAN NATIONAL/ILLINOIS CENTRAL RAILWAY,
Respondent.

**ORDER APPROVING SETTLEMENT AGREEMENT,
CANCELLING HEARING, AND DISMISSING COMPLAINT**

This case arises under the employee protection provisions of the Federal Rail Safety Act of 2007 ("FRSA"), 49 U.S.C. § 20109, and implementing regulations found at 29 C.F.R. Part 1982. It is currently scheduled for hearing on May 8, 2018, in Memphis, Tennessee. On March 6, 2018, the parties submitted a *Confidential Settlement Agreement and Release of All Claims* ("Agreement") pursuant to 29 C.F.R. § 1982.111(d)(1).¹

Having been advised of the settlement terms and having reviewed the Agreement, noting that the parties are represented by counsel, I find that the terms are fair, adequate, reasonable, and not contrary to public policy, and therefore approve the Agreement.² Upon my approval, the parties shall implement the terms as stated in the

¹ The parties have agreed that the terms of the settlement will be treated as confidential. The parties may request that information be treated as confidential commercial information where, as here, they are required to submit information involuntarily. 29 C.F.R. § 70.26(b) (2001). The DOL is then 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 Agreement 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 must notify the parties to allow them the opportunity to file any objections to disclosure. See 29 C.F.R. § 70.26 (2001). Furthermore, the undersigned will refrain from discussing specific terms or dollar amounts contained in the Agreement.

² I note that the Agreement provides for a settlement of all claims Complainant may have against Respondent. However, this Order applies only to the FRSA complaint over which the Office of Administrative Law Judges has jurisdiction.

Agreement, to the extent not otherwise accomplished. This order shall have the same force and effect as one made after a full hearing on the merits.

Accordingly, the hearing scheduled for May 8, 2018 is **CANCELLED**. The Agreement is hereby **APPROVED**, and becomes the final order of the Secretary and may be enforced pursuant to 29 C.F.R. §1982.113. The complaint filed in this matter is **DISMISSED** with prejudice.

SO ORDERED.

WILLIAM T. BARTO
Administrative Law Judge

Washington, DC