

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

Issue Date: 11 August 2020

CASE NO.: 2019-FRS-00014

In the Matter of:

ANTHONY INGANAMORTE,
Complainant,

v.

MTA LONG ISLAND RAIL ROAD COMPANY
Respondent.

**ORDER: IMPLEMENTING SETTLEMENT AGREEMENT;
DISMISSING CASE & RETAINING JURISDICTION**

On August 4, 2020, I ordered Respondent, MTA Long Island Railroad Company (“LIRR”), to implement the settlement agreement that was agreed to by the parties on the record during trial on January 8, 2020 (the “Agreement”). On August 10, 2020, I held an on-the-record status conference, with the parties, in which the parties agreed that, in view of the circumstances involved in implementing the Agreement, LIRR can no longer fully comply with the Agreement. An additional on-the-record status conference was held on August 11, 2020. Accordingly, based on the record in this proceeding and my discussions with the parties, the following order shall enter.

It is hereby **ORDERED** that:

- 1) On or before the close of business on August 12, 2020, LIRR shall:
 - a) Restore Complainant’s “Prior Rights” to seniority in the Assistant Foreman and Foreman position and class, and return his name to the prior rights list maintained by the Engineering Department with the rights listed in the Prior Rights List posted on January 31, 2018;
 - b) Revoke Complainant’s disqualification from the Foreman class pursuant to the March 4, 2016 Trial Waiver, and consider Complainant a qualified Foreman pursuant to Rule 25 of the

Collective Bargaining Agreement between the Brotherhood of Railroad Signalmen and LIRR;

- c) Restore Complainant's name to the most current Signal Foreman Seniority Roster to a position in accordance with our discussion on the record on August 11, 2020;
 - d) Restore Complainant's name to the most current Assistant Foreman Seniority Roster to a position in accordance with our discussion on the record on August 11, 2020; and
 - e) Allow Complainant to immediately exercise his seniority to displace any junior Assistant Foreman or Foreman from his or her position;
- 2) All other provisions of the Agreement, as set forth on the record on January 8, 2020, shall remain in effect;
- 3) The above captioned case is **DISMISSED WITH PREJUDICE**; and
- 4) Jurisdiction will be retained by the undersigned for a period of 30 calendar days from the date hereof to address any disputes regarding implementation of the terms of the parties' settlement agreement.

SO ORDERED.

JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts