



Issue Date: 03 January 2020

Case No.: 2019-FRS-00064

In the Matter of:

GARY SMITH

Complainant

v.

**NEW JERSEY TRANSIT
RAIL OPERATIONS, INC.**

Respondent

ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT

This matter arises from the complaint filed by Gary Smith (“Complainant”) against New Jersey Transit Rail Operations, Inc. (“Respondent”) pursuant to the Federal Railroad Safety Act (“FRSA”), 49 U.S.C. § 20109, and its implementing regulations, 29 C.F.R. Part 1982. A hearing is currently scheduled for February 19, 2020, in Cherry Hill, New Jersey

On December 23, 2019, the parties submitted a Settlement Agreement and Release for my approval in accordance with 29 C.F.R. § 1982.111(d)(2). The Settlement Agreement and Release is signed by counsel for Complainant and counsel for Respondent.

I have reviewed the settlement agreement, and I find it is fair and reasonable. It is not contrary to the public interest, and it was not procured under duress. Accordingly, pursuant to 29 C.F.R. § 1982.111(d)(2), I **APPROVE** the settlement agreement.

In light of my approval of the settlement agreement, I **CANCEL** the February 19, 2020, hearing. This matter is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

LAUREN C. BOUCHER
Administrative Law Judge

Cherry Hill, New Jersey