



Issue Date: 15 December 2020

Case No.: 2020-FRS-00036

In the Matter of:

VITO CARELLO,
Complainant,

v.

LAKE SUPERIOR & ISHPEMING RAILROAD,
Respondent.

**ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING CLAIM**

This case arises under the Federal Rail Safety Act (FRSA), as amended. The matter was assigned to me on March 10, 2020. I consolidated the within action with OALJ Case Numbers 2019-FRS-98 (*William Henricksen v. Lake Superior and Ishpeming Railroad*) and 2019-FRS-0099 (*William Owens v. Lake Superior and Ishpeming Railroad*). The consolidated cases were set for hearing on September 1, 2020 in Marquette, Michigan. Because of the public health situation, I cancelled the hearing by Order dated July 27, 2020.

On December 14, 2020, the parties submitted in *Carello v. Lake Superior and Ishpeming Railroad*, OALJ No. 2020-FRS-36, a "Settlement Agreement and Release" for my review and approval. The Settlement Agreement and Release has been signed by the Complainant, and it resolves all issues presented in in *Carello v. Lake Superior and Ishpeming Railroad*, OALJ No. 2020-FRS-36.

I **VACATE** my Order consolidating this case with 2019-FRS-98 (*William Henricksen v. Lake Superior and Ishpeming Railroad*) and 2019-FRS-0099 (*William Owens v. Lake Superior and Ishpeming Railroad*). Those other cases remain pending before me, and those cases will proceed to hearing on July 13, 2021 in Marquette, Michigan.

My review of the Settlement Agreement and Release in *Carello v. Lake Superior and Ishpeming Railroad*, OALJ No. 2020-FRS-36, is limited to a determination of whether its terms are fair, adequate and reasonable under the FRSA. The settlement must adequately protect the whistleblower. The settlement must not be contrary to public interest.

After careful consideration of the Settlement Agreement and Release, I find that the terms and conditions are acceptable. Moreover, I find the terms of the agreement to be fair, adequate,

and reasonable under the FRSA, and that the terms adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Settlement Agreement as a basis for administrative disposition of this case, and I therefore approve the Settlement and Final Release.

IT IS THEREFORE ORDERED that the Settlement Agreement and Release submitted by the parties in *Carello v. Lake Superior and Ishpeming Railroad*, OALJ No. 2020-FRS-36, is **APPROVED**. The parties are directed to take all necessary action to implement the terms of the settlement. The complaint in *Carello v. Lake Superior and Ishpeming Railroad*, OALJ No. 2020-FRS-36, is **DISMISSED WITH PREJUDICE**. In accordance with the regulations, the settlement constitutes the final order of the Secretary of Labor and may be enforced under 29 C.F.R. § 1982.113 (2012).

Steven D. Bell
Administrative Law Judge