ORDER OF DISMISSAL


On remand, the ALJ found that Metro-North’s reclassification interfered with Santiago’s medical treatment under 49 U.S.C.A. § 20109(c)(1), and concluded that Metro-North did not prove its affirmative defense that the reclassification would have been the same “without the railroad carrier’s interference.” The ALJ awarded compensatory and punitive damages and

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Metro-North appealed. The Board summarily affirmed the ALJ's decision on remand and Metro-North appealed to the U.S. Court of Appeals for the Second Circuit.

The court determined that the ALJ lacked substantial evidence to support her conclusion that Metro-North interfered with Santiago's medical treatment when it reclassified his back injury as non-work related. The court concluded that there was no evidence in the record to "overwhelm" the independent judgments of experienced medical professionals that Santiago's work injury had resolved.

Accordingly, consistent with the Second Circuit's opinion, the ARB vacates its Final Decision and Order of June 12, 2015, and dismisses Santiago's complaint.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

NOTE: Questions regarding any case pending before the Board should be directed to the Board's Paralegal Specialists: Telephone: (202) 693-6200 Facsimile: (202) 693-6220
