



Issue Date: 29 November 2010

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CASE NO.: 2010 FRS 13

In the Matter of

**RON BUBNASH**  
Complainant

v.

**BNSF RAILWAY COMPANY**  
Respondent

Appearances: Mr. John A. Kutzman, Attorney  
For the Complainant

Ms. Joanne R. Bush, Attorney  
Ms. Amanda A. Todd, Attorney  
For the Respondent

Before: Richard T. Stansell-Gamm  
Administrative Law Judge

**FINAL ORDER APPROVING SETTLEMENT --  
DISMISSAL OF COMPLAINT WITH PREJUDICE**

This matter arises under the employee protection provisions of the Federal Rail Safety Act of 2007 ("FRS"), Title 49 United States Code Section 20109. Pursuant to a Third Revised Notice of Hearing, I set a hearing date of July 28, 2010 for this case in Great Falls, Montana. Prior to the hearing, I was advised that the parties had settled the case. On November 24, 2010, I received the parties' settlement agreement which fully settles and resolves their dispute.

Both parties were ably represented by counsel. The Complainant represents his understanding of the agreement's provisions and voluntarily accepts the settlement. Having been advised of the settlement amount and reviewed the settlement agreement, I find the provisions are fair, adequate and not contrary to public interest.<sup>1</sup> Further, the settlement supports a finding that the complaint be dismissed with prejudice. Accordingly, approval of the agreement is

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<sup>1</sup>See *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, 89-ERA-9, 89-ERA-10 (Sec=y Mar. 23, 1989) and *Heffley v. NGK Metals Inc.*, 89-SDW-2 (Sec=y Mar. 6, 1990).

appropriate. Upon my approval, the parties shall implement their settlement as specifically stated in the agreement.

**ORDER**

1. The parties' Settlement Agreement is **Approved**.
2. The FRS complaint of Mr. RON BUBNASH against BNSF RAILWAY is **Dismissed with Prejudice**.

**SO ORDERED:**

**A**

RICHARD T. STANSELL-GAMM  
Administrative Law Judge

Date Signed: November 26, 2010  
Washington, DC