

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 31 July 2013

Case No.: 2011-FRS-00004

In the Matter of:

LATONYA MILTON,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

Respondent.

**DECISION AND ORDER
APPROVING SETTLEMENT AND DISMISSING THE COMPLAINT**

This matter arises out of a claim filed by the Complainant under the employee protection provisions of the Federal Rail Safety Act ("FRSA"), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 ("9/11 Act"), Pub. L. No. 110-53.

On June 20, 2013, the parties submitted a signed Settlement Agreement, which resolves all issues raised in the Complaint, for review and approval by the undersigned administrative law judge. The Settlement Agreement is incorporated herein by reference.

My review of the settlement agreement is limited to a determination of whether its terms are fair, adequate and reasonable. The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to the public interest.

After careful consideration of the settlement agreement, I find that the terms and conditions are fair, adequate, and reasonable. Moreover, I find the terms of the agreement to be fair and reasonable and adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the agreement as a basis for administrative disposition of this case and I therefore approve the settlement agreement.

The Respondent has asserted Exemption 4 of the Freedom of Information Act, 5 U.S.C. §552(b)(4), with regard to the monetary terms of the settlement. Accordingly, if a federal agency

receives a request for disclosure of the monetary terms that agency is directed to comply with Section 1 of Executive Order 12,600 (June 23, 1987) and 29 C.F.R. §70.26.

The Complaint is **DISMISSED** with prejudice.

KENNETH A. KRANTZ
Administrative Law Judge

KAK/jcb
Newport News, Virginia