



Issue Date: 11 March 2013

CASE NO: 2011-FRS-00024

In the Matter of:

SARAH PASTEWSKI,
Complainant,

v.

CSX TRANSPORTATION,
Respondent.

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

This proceeding arises under 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. (Aug. 3, 2007) and the applicable regulations issued thereunder at 29 C.F.R. Part 1982. On March 7, 2013, counsel for Respondent filed with this office a settlement agreement entitled “Settlement Agreement and General Release.”

Pursuant to 29 C.F.R. § 1982.111(d)(2), I must review the terms and conditions of the settlement agreement and determine if the agreement is a fair, adequate, and reasonable settlement of Complainant’s FRSA complaint of retaliation. Having done so, I find that the agreement is fair, adequate, and reasonable.

In addition, I have considered Respondent’s request to treat the entire settlement agreement as confidential.¹ That request will be granted. However, the contents of the settlement may be disclosed under the provisions of the Freedom of Information Act, but only in accordance with the regulations set forth at 29 C.F.R. § 70.26.

Finally, to the extent the Settlement Agreement and General Release submitted by the parties contains provisions that may relate to any other FRSA administrative complaint, or any

¹ In the cover letter submitted with the parties’ settlement agreement, Jacqueline M. Holmes, Respondent’s counsel, notes that Respondent understands it is the practice of the Office of Administrative Law Judges to place confidential agreements, such as the one submitted by the parties, in an envelope and not disclose it under the Freedom of Information Act (FOIA). She further states that Respondent CSXT “specifically requests that the settlement agreement be withheld under FOIA” and requests that she be contacted in the event a FOIA request is made for the settlement agreement.

action by Complainant or Respondent under any other statute, or in any other court, this Decision and Order makes no determination regarding the propriety of these provisions.²

Order

1. Based on the foregoing, IT IS HEREBY ORDERED that the Settlement Agreement and General Release filed on March 7, 2013 is APPROVED.
2. IT IS FURTHER ORDERED that the complaint filed by Complainant in 2011-FRS-00024 is DISMISSED WITH PREJUDICE.
3. IT IS FURTHER ORDERED that the Settlement Agreement shall be treated as confidential subject to the provisions of 29 C.F.R. § 70.26.

STEPHEN L. PURCELL
Chief Administrative Law Judge

Washington, D.C.

² My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute, and to cases in which I am the presiding administrative law judge. Therefore, my approval is limited to this case, and I approve the settlement agreement only insofar as it pertains to Complainant's FRSA claim in Case No. 2011-FRS-00024, the case which is presently before me.