



**Issue Date: 22 December 2011**

Case No.: **2011-FRS-00003**

*In the Matter of:*

**ANDREW POPLIN,**

Complainant,

v.

**CSX TRANSPORTATION, INC.,**

Respondent.

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

The above matter is a complaint of employment discrimination under the Federal Rail Safety Act (FRSA), 49 USC §20109. The case was referred to the Office of Administrative Law Judges for formal hearing upon the Complainant's objection to the findings of the Occupational Safety and Health Administration. A hearing was scheduled for March 19, 2012.

On December 20, 2011, the parties submitted a Joint Stipulation of Dismissal with Prejudice and a copy of a Settlement Agreement.

The implementing regulations provide that, "[A]t any time before the Assistant Secretary's findings and/or order become final, a party may withdraw its objections to the Assistant Secretary's findings and/or order by filing a written withdrawal with the ALJ." 29 C.F.R. § 1982.111(c). In addition, a case "may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ if the case is before the ALJ, or by the ARB if the ARB has accepted the case for review." 29 C.F.R. § 1982.111(d)(2).

The Complainant and Respondent were both represented by counsel. In the Settlement Agreement the Complainant represents his understanding of its provisions and voluntarily accepts the settlement. Having reviewed the Settlement Agreement, I find the provisions are fair, adequate and not contrary to the public interest. Further, the settlement supports a finding that the complaint should be dismissed with prejudice. Accordingly, the Settlement Agreement is approved.

**ORDER**

The Settlement Agreement and Joint Stipulation of Dismissal with Prejudice are approved. The Complaint is hereby **DISMISSED**, with prejudice, and the formal hearing previously scheduled is **CANCELLED**.

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KENNETH A. KRANTZ  
Administrative Law Judge

KAK/mrc  
Newport News, Virginia