



Issue Date: 02 August 2018

Case No.: 2012-FRS-00019

In the Matter of:

CHRISTOPHER J. CAIN,
Complainant,

v.

BNSF RAILWAY COMPANY,
Respondent.

ORDER ADMINISTRATIVELY CLOSING CASE

This case initially arose when Complainant filed a complaint under the employee protection provisions of the Federal Railroad Safety Act (“Act”), 49 U.S.C. § 20109. Judge Daniel Solomon determined that Respondent violated the Act and granted relief. The Administrative Review Board (“ARB”) affirmed, except as to that part of Judge Solomon’s award of punitive damages. The 10th Circuit Court of Appeals affirmed the finding that Complaint was entitled to punitive damages but remanded the case for consideration of whether the punitive damages award satisfied due process. The ARB issued a *Decision and Order of Remand* to Judge Solomon on April 6, 2016, and Judge Solomon issued an *Order to Comment* on April 21, 2016, both issued before the 10th Circuit’s mandate order of May 6, 2016, and, thus, prior to final judgement. In other words, jurisdiction rested with the ARB as of May 6, 2016, not Judge Solomon. On September 15, 2016, the Administrative Review Board approved the parties’ settlement agreement, and dismissed the proceeding with prejudice. That order terminated the case and ended the Department of Labor’s jurisdiction over the complaint, to include the open matter pending before Judge Solomon.¹ Accordingly, OALJ Case number 2012-FRS-00019 is ADMINISTRATIVELY CLOSED.²

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

¹ Though jurisdiction resided with the ARB, the case was reopened by this Office upon remand to Judge Solomon on April 6, 2016. This Order simply closes a mistakenly open case.

² Because Judge Solomon has since retired from federal service, I reassigned this case to me in my capacity as Chief Administrative Law Judge.