



Issue Date: 12 March 2015

**CASE NOS.: 2012-FRS-41
2012-FRS-22**

IN THE MATTER OF

**MICHAEL N. JESSEN,
Complainant**

v.

**BNSF RAILWAY CO.,
Respondent**

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

This proceeding arises pursuant to a complaint alleging violations under the employee protective provisions of the Federal Rail Safety Act ("FRSA"), 49 U.S.C. § 20109, The Secretary of Labor is empowered to investigate and determine "Whistleblower" complaints filed by employees who are allegedly discharged or otherwise discriminated against by Employers with regard to their terms and conditions of employment for taking any action relating to the fulfillment of safety or other requirements established by the Act.

On 6 Mar 15, Complainant's Counsel notified the undersigned in writing that he wished to withdraw this claim due to the fact Mr. Michael N. Jessen no longer wishes to pursue his complaint against BNSF Railway Company.

On 5 Jan 15, the parties signed a Confidential Settlement Agreement and Release ("Agreement"). The Agreement resolves the controversy arising from the complaint of Michael N. Jessen against BNSF Railway Company.

As so construed, noting that the parties are represented by counsel, I find the terms of the Agreement to be fair, adequate and reasonable, and therefore approve it. Accordingly, the complaint filed by Michael N. Jessen is hereby dismissed with prejudice. As the complaint is dismissed, the Secretary's Findings are hereby vacated.

ORDERED this 12th day of March, 2015 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge