



Issue Date: 27 March 2014

CASE NO.: 2012-FRS-33

IN THE MATTER OF

**NORMAN MANGIONE,
Complainant**

v.

**EASTERN ALABAMA RAILWAY, INC.,
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 above Act.

The parties hereby stipulated and agree that the above-captioned proceeding shall be, and hereby is dismissed with prejudice.

1. This Order shall have the same force and effect as an order made after a full hearing;
2. The parties waive any further procedural steps before this Court;
3. The parties waive any rights to challenge or contest the validity of this Order entered in accordance with the Settlement Agreement and General Release;
4. Each party shall bear all its own costs, expenses, and legal and accounting fees incurred in connection with this action; and
5. This Order and the Decision of this Court shall be the final agency action.

Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties’ Settlement Agreement, and I have determined that it constitutes a fair, adequate and reasonable settlement of the Complaint.

Accordingly, it is hereby **ORDERED** that:

1. The “Settlement Agreement and General Release” is **APPROVED**.

ORDERED this 27th day of March, 2014 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge