



Issue Date: 12 March 2014

CASE NO.: 2012-FRS-00078

IN THE MATTER OF:

NATHAN W. ORTIZ
Complainant

vs.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY
Respondent

ORDER APPROVING SETTLEMENT

This case comes under the Federal Rail Safety Act¹, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (“9/11 Act”)² Any settlement approved in an FRS case constitutes the final order of the Secretary.³ On 7 Mar 14, the parties submitted a signed settlement agreement. Complainant represented his understanding of the agreement’s provisions and voluntarily accepts the settlement.

Having been advised of the settlement amount and reviewed the settlement agreement, I find the provisions are fair, adequate and not contrary to public interest. Further, the settlement supports a finding that the complaint be dismissed with prejudice.

The parties have also agreed to keep the terms of their agreement confidential, believe it falls within the business information exemption to the Freedom of Information Act⁴ and request the agency provide notice in the event a request is made for it under that Act.⁵

¹ 49 U.S.C. § 20109.

² Pub. L. No. 110-53. (Aug. 3, 2007)

³ 29 C.F.R. 1982.111(e).

⁴ 5 U.S.C. §552(b)(4).

⁵ 29. C.F.R. §70.26.

Accordingly, it is **ORDERED** that:

1. The Settlement Agreement is **APPROVED**; and
2. The complaint is **DISMISSED WITH PREJUDICE**.

ORDERED this 12th day of March 2014 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge