



Issue Date: 09 July 2014

Case No.: 2013-FRS-00056

In the Matter of

CARL FLOURNOY

Complainant

v.

CONRAIL

Respondent

FINAL ORDER APPROVING SETTLEMENT

This matter arises under the Federal Rail Safety Act, 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (Aug. 3, 2007).

The parties have submitted a *Settlement and Final Release* (the “Agreement”) that became effective on July 1, 2014, and resolves this action. The parties request approval of the Agreement and that its terms be kept confidential pursuant to 29 C.F.R. § 70.26, pertaining to requests for confidential commercial and financial information under the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Having reviewed the parties’ Agreement with regard to the complaint and appeal under the Act, I make the following findings:

1. The Agreement appears to be fair and reasonable on its face and to effectuate the purposes and policies of the Act.
2. Although the parties’ settlement agreement contains provisions that relate to action by Complainant under other statutes, I have no authority to approve such provisions and the instant order makes no determination regarding the propriety of these provisions.
3. The parties are deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters which are the subject of the Agreement, including challenging or contesting the validity of the instant order.
4. The official record copy of the Agreement shall be kept under seal and the Agreement should be designated and handled as confidential commercial and financial information pursuant to 29 C.F.R. § 70.26(b).

Based on the foregoing, and in accordance with the parties' Agreement, it is ORDERED that:

1. The Agreement is APPROVED.

2. The Agreement shall be designated and handled as confidential commercial and financial information pursuant to 29 C.F.R. § 70.26(b), the terms of the Agreement shall not be disclosed by any party or the Office of Administrative Law Judges, either specifically or generally, pursuant to 29 C.F.R. § 70.26, and the official record copy of the Agreement shall be kept under seal.

3. This matter is hereby DISMISSED with prejudice.

SO ORDERED.

THERESA C. TIMLIN
Administrative Law Judge

Cherry Hill, New Jersey