

**U.S. Department of Labor**

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**Issue Date: 28 March 2013**

CASE NO.: 2013-FRS-7

In the Matter of:

ANTHONY KURTZ,  
Claimant

v.

CHICAGO FORT WAYNE & EASTERN RAILROAD,  
Employer

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

The above-captioned case is a claim for damages 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 ("9/11 Act"), Pub. L. No. 110-53. (Aug. 3, 2007). Prior to the formal hearing scheduled for April 16, 2013, in Fort Wayne, Indiana, the parties submitted for my approval a written settlement agreement pursuant to 29 C.F.R. § 1982.111(d)(2) via a joint motion dated March 21, 2013.

After careful review and evaluation of the evidence of record; the proposed settlement; claimant's representation by counsel; claimant understanding of its contents and that it is true and correct in the premises; that claimant signed it of his own free will and accord, and that claimant desirous of having the settlement approved, I conclude that this settlement is in claimant's best interest was not procured under duress.

Therefore, it is hereby ORDERED:

1. The settlement agreement, dated February 17, 2013, is APPROVED.
2. The above-titled cause is DISMISSED.

DREW A. SWANK  
Administrative Law Judge