

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 27 August 2013**

**CASE NO.: 2013-FRS-00042**

**IN THE MATTER OF**

**ANTHONY MITCHELL,  
Complainant**

**v.**

**THE KANSAS CIT SOUTHERN RAILWAY COMPANY,  
Respondent**

**AGREEMENT AND DISMISSING COMPLAINT**

The above-captioned matter arises under the employee protection provisions of the Federal Rail Safety Act of 2007 (“FRS”), Title 49 United States Code Section 20109. By letter dated August 15, 2013, the Parties notified the Court that the case had settled and provided a copy of the Settlement Agreement for approval.

I first note that the Parties were ably represented by counsel. Further, the Complainant represents his understanding of the agreement’s provisions and the associated rights and obligations. Having reviewed the agreement, I find the provisions are fair, adequate and not contrary to the public interest. The settlement also supports a finding that the complaint be dismissed. Consequently, approval of the agreement is appropriate. Upon my approval, the Parties shall implement their settlement as specifically stated in the Settlement Agreement. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits.

**ORDER**

Accordingly, **IT IS HEREBY ORDERED** that:

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

**So ORDERED.**

LARRY W. PRICE  
ADMINISTRATIVE LAW JUDGE