

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 June 2014

CASE NO. 2013-FRS-00091

In the Matter of:

DUANE ROLLER,
Complainant,

v.

BNSF RAILWAY COMPANY,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This case arises under the Federal Rail Safety Act (“FRSA”), which provides whistleblower protections to railroad employees for engaging in certain protected activities. *See* 49 U.S.C. § 20109, as amended; 29 C.F.R. § 1982. The Occupational Safety and Health Administration denied the complaint on August 29, 2013. Complainant filed a timely request for hearing in this Office on October 30, 2013.

On March 27, 2014, Complainant filed a request to dismiss the matter and file directly in District Court, but agreed to hold that request until after a settlement conference. The settlement conference occurred on May 6, 2014.

On June 16, 2014, the parties jointly submitted a Confidential Agreement and Release (“the Agreement”) that settled all issues in this matter. *See* 29 C.F.R. § 18.9; 29 C.F.R. § 1982.111(d)(2). Having reviewed the submitted documentation, I find that the Agreement is appropriate in form and substance, and details the respective duties and obligations of the parties pursuant to the agreement. Accordingly, the signed and submitted Agreement is incorporated by reference into this Decision and Order, and is hereby adopted and approved.

The parties having agreed to resolve all the issues pending for hearing, the matter is hereby dismissed. Any pending motions are withdrawn. Any scheduled dates are vacated.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge