



In the Matter of:

LAURA VERNACE,

ARB CASE NO. 12-003

COMPLAINANT,

ALJ CASE NO. 2010-FRS-018

v.

DATE: February 26, 2013

**PORT AUTHORITY TRANS-HUDSON
CORPORATION,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Complainant:

Charles C. Goetsch, Esq.; *Cahill, Goetsch & Perry, P.C.*; New Haven, Connecticut

For the Respondent:

Christopher M. Hartwyk, Esq.; *Port Authority Trans-Hudson Corporation*, Jersey City, New Jersey

Before: Luis A. Corchado, *Administrative Appeals Judge*; Joanne Royce, *Administrative Appeals Judge*; and Lisa Wilson Edwards, *Administrative Appeals Judge*

ORDER APPROVING SETTLEMENT AGREEMENT

On December 21, 2012, the Administrative Review Board (ARB or Board) issued a Final Decision and Order affirming the Administrative Law Judge's (ALJ's) Decision and Order in this case. *Vernace v. Port Authority Trans-Hudson Corp.*, ARB No. 12-003, ALJ No. 2010-FRS-018 (ARB Dec. 21, 2012). We concurred with the ALJ's award ordering expungement of the Complainant's record, two days' salary, \$1,000 in punitive damages, and an attorney's fee. On January 10, 2013, the Complainant served a fee petition for work performed before the Board

on Port Authority Trans-Hudson Corporation (PATH).¹ PATH did not file objections to the fee petition. However, on January 24, 2013, the parties submitted a Settlement Agreement Regarding Attorney Fees for Handling Appeal Before the Administrative Review Board. In the agreement, PATH agreed to pay the Complainant's attorney a fee in the amount of \$17,319, for work performed during the pendency of the appeal.

Among other remedies, a complainant is entitled to litigation costs and a reasonable attorney's fee when it is found that a rail carrier has violated the Act's employee protection provisions. 49 U.S.C.A. § 20109(e)(2)(C). Thus, as Vernace was fully successful in the prosecution of her claim, she is entitled to an attorney's fee for work performed before the Board on appeal. We have reviewed the settlement agreement regarding the attorney's fee and find it to be fair, adequate, and reasonable.

The Complainant agrees that her signature on the agreement constitutes a request to withdraw the fee petition from the Board. Accordingly, we **APPROVE** the settlement and **DISMISS** the fee petition.

SO ORDERED.

LUIS A. CORCHADO
Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge

LISA WILSON EDWARDS
Administrative Appeals Judge

¹ Specifically, the Complainant's counsel requested a fee in the amount of \$22,025.25 for work performed between September 26, 2011, and January 4, 2013.