



In the Matter of:

MARCUS KRUSE,

**ARB CASE NOS. 12-081
12-106**

COMPLAINANT,

ALJ CASE NO. 2011-FRS-022

v.

DATE: June 16, 2015

**NORFOLK SOUTHERN RAILWAY
COMPANY,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Robert B. Thompson, Esq. and Robert E. Harrington, III, Esq.; *Harrington, Thompson, Acker & Harrington, Ltd.*; Chicago, Illinois

For the Respondent:

Joseph P. Sirbak, II, Esq.; *Buchanan Ingersoll & Rooney PC*, Philadelphia, Pennsylvania

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

ORDER AWARDING ATTORNEY'S FEES

This case arises under the employee protection provisions of the Federal Rail Safety Act of 1982 (FRSA), 49 U.S.C.A. § 20109 (Thomson/West Supp. 2014), as implemented by 29 C.F.R. Part 1982 (2014) and 29 C.F.R. Part 18, Subpart A (2014). On January 28, 2014, we held that Norfolk Southern Railway Company (NSRC) violated the FRSA when it suspended Marcus Kruse in retaliation for an injury he reported to an NSRC supervisor. As a successful FRSA complainant, Kruse is "entitled to all relief necessary to make the employee whole [including] . . . any special damages sustained as

a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.” 49 U.S.C.A. § 20109(e); *see also* 29 C.F.R. §1982.105(a)(1).

On June 5, 2015, the parties submitted a Final Joint Stipulation Regarding Complainant’s Attorney Fees and Costs in which they agreed to the fees and costs due to Kruse in this case. Accordingly, we **GRANT** the parties’ request and order NSRC to pay attorneys’ fees and costs in the amount of \$105,611.46 for services provided by Kruse’s legal representatives.

SO ORDERED.

JOANNE ROYCE
Administrative Appeals Judge

LUIS A. CORCHADO
Administrative Appeals Judge