



In the Matter of:

MARK BAILEY,

COMPLAINANT,

v.

CONSOLIDATED RAIL CORPORATION,

RESPONDENT.

ARB CASE NOS. 13-030  
13-033

ALJ CASE NO. 2012-FRS-012

DATE: December 9, 2014

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

*For the Complainant:*

Brian Reddy, Esq.; *The Reddy Law Firm*, Maumee, Ohio

*For the Respondent:*

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

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

**ORDER VACATING AWARD OF ATTORNEYS' FEES  
AND EXPENSES**

On November 7, 2014, the Board issued an Order Awarding Attorneys' Fees and Expenses (Order) in this case arising under the Federal Rail Safety Act of 1982 (FRSA).<sup>1</sup>

---

<sup>1</sup> 49 U.S.C.A. § 20109 (Thomson/West 2012), 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, and as implemented by 29 C.F.R. Part 1982 (2013) and 29 C.F.R. Part 18, Subpart A (2013).

On November 14, 2014, the parties jointly moved the ARB to vacate the November 7, Order. The Motion states that “[t]he parties resolved all of Mr. Bailey’s claims against Respondent.” following an order issued by the United States Court of Appeals for the Sixth Circuit denying Respondent’s petition for review.

Accordingly, the November 7, 2014, Order Awarding Attorneys’ Fees and Expenses is **VACATED**.

**SO ORDERED.**

**LISA WILSON EDWARDS**  
**Administrative Appeals Judge**

**JOANNE ROYCE**  
**Administrative Appeals Judge**

**LUIS A. CORCHADO**  
**Administrative Appeals Judge**