

TCU Member Receives Historic Settlement from Amtrak

TCU member Nicole Anderson has been awarded substantial damages by a Department of Labor Administrative Law judge, who found that Amtrak retaliated against her after she filed an injury report.

Ms. Anderson, who works as a coach cleaner in Seattle, was fired by Amtrak in 2007 after she filed an injury report describing how she sprained her ankle while working. (Amtrak subsequently reduced the dis-

missal to a thirty-day suspension.)

In a decision that is considered the first under the 2007 amendment to the Federal Rail Safety Act (FRSA), the judge awarded Anderson: \$2,666.67 in back pay; \$60,000 in compensatory damages; \$100,000 in punitive damages and attorney's fees and costs.

The FRSA prohibits a railroad carrier's dismissal or suspension of an employee if it is "due, in whole or in part,"

to the employee's lawful, good-faith notice to the carrier of a work-related personal injury, or filing a whistleblower complaint related to railroad safety. The judge found that Anderson was disciplined partially in retaliation for reporting the injury to Amtrak.

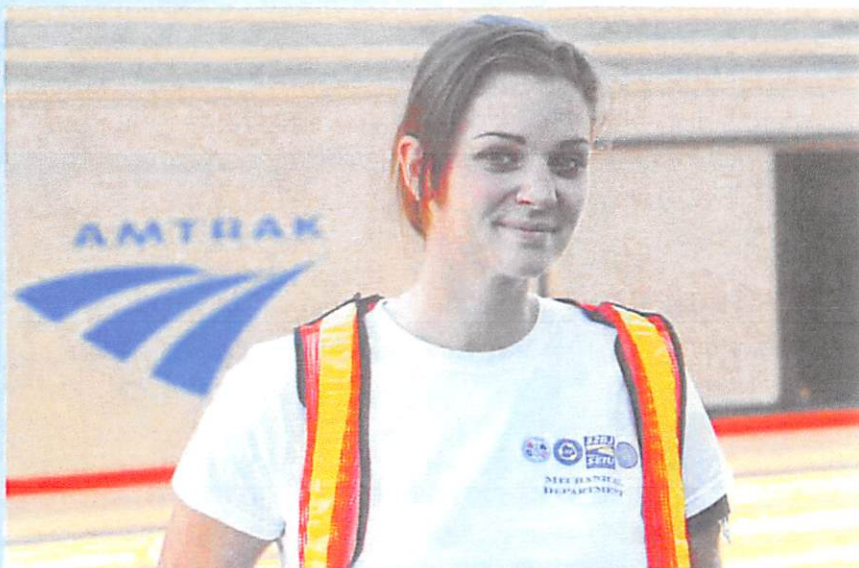
In the explanation of the \$100,000 punitive damage award, the judge wrote, "Amtrak's conduct reflects a degree of conscious disregard for how its practices obstruct Congress' mandate in the Federal Rail Safety Act. Punitive damages are appropriate to correct and deter this conduct."

In addition to the monetary awards, Amtrak was ordered to completely expunge any negative references or discipline from Anderson's record stemming from the ankle sprain incident.

Better Enforcement

"This case highlights the critical importance of winning presidential elections," commented TCU

Jim Levitt Photography



TCU member Nicole Anderson of Seattle, WA, won an historic award when Amtrak unjustly retaliated against her after she filed an injury report. The award sets important precedents that safeguard other workers under the Federal Rail Safety Act.