

FLETCHER & SIPPEL ALERT

ATTORNEYS AT LAW

29 NORTH WACKER DRIVE, SUITE 920, CHICAGO, ILLINOIS 60606-2832

Phone: (312) 252-1500 Fax: (312) 252-2400

www.fletcher-sippel.com

Wednesday, August 8, 2012

DEPARTMENT OF LABOR HOLDS NORFOLK SOUTHERN RAILWAY CO. VIOLATED FEDERAL RAILROAD SAFETY ACT

The Department of Labor issued a press release today stating that Norfolk Southern Railway Co. has been found in violation of 49 U.S.C. § 20109 for retaliating against an employee for reporting a work-related injury. The employee claimed that he hit his hard hat against a horizontal support beam while working in Chattanooga, TN. After conducting an investigative hearing, Norfolk Southern charged the employee with falsifying his injury and terminated him on October 8, 2010. The employee appealed the termination pursuant to the Railway Labor Act and the Public Law Board upheld the railroad's decision while reducing the termination to a suspension with no back pay.

The Department of Labor Regional Investigator found that the investigative hearing was "severely flawed and orchestrated to intentionally support management's decision to terminate the employee." Norfolk Southern was ordered to pay \$200,000 in punitive damages, \$75,000 in compensatory damages and \$25,123.40 in attorneys' fees. The railroad has 30 days to appeal the findings.

Please contact [Kristin L. Bevil](#) at (312) 252-1504 if you have any questions.