

## LIRR worker awarded \$130,000 in whistleblower complaint case



A morning scene at the Mineola LIRR station last month. Credit: Newsday/Howard Schnapp

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A federal administrative judge has awarded a Long Island Rail Road signal foreman more than \$130,000 after ruling the LIRR retaliated against him for raising concerns about wage theft and unsafe practices, including the failure to perform safety tests of an emergency signal system for the last six years, according to court documents.

The Oct. 31 ruling by U.S. Administrative Law Judge Scott Morris found that Anthony Inganamorte's whistleblower complaints to the Occupational Safety and Health Administration led to the railroad creating a "hostile work environment" for the 29-year LIRR employee, including by surveilling his whereabouts and by denying him overtime.

David Steckel, a spokesperson for the Metropolitan Transportation Authority, the LI RR's parent organization, said, "The MTA is reviewing this decision and options for appeal."

Inganamorte, who still works for the LIRR, declined to comment. His White Plains attorney, Lee Seham, said "anyone who rides the LIRR needs to be concerned" about the issues raised in the case.

"When an employee brings railroad safety issues to an employer's attention, he deserves a commendation, not a slap in the face," Seham said Tuesday. "The LIRR owes Mr. Inganamorte and its riders an apology."

The case dates back to 2015, when Inganamorte, while working as a foreman, said he refused to go along with a wage theft scheme under which he would sign off on time sheets showing some workers were at work when they were not.

Inganamorte, of Islip, brought his concerns — including over a co-worker who claimed to have conducted a rail safety test on a day that he was out sick — to management, but "management chose not to further investigate these events," according to the court ruling.

Angered that Inganamorte's refusal to go along with the scheme resulted in them being docked pay for missing hours, Inganamorte's co-workers filed harassment claims against him that resulted in his demotion in 2016, according to court records.

After years of court battles over federal whistleblower complaints filed by Inganamorte, the LIRR agreed to reinstate him to his position in 2020. But, upon doing so, the railroad took several "adverse actions" against Inganamorte, according to the ruling. They included refusing to approve the overtime needed for Inganamorte and his group of signal workers to perform testing every other year of mechanical backup signal systems that could be relied upon to keep rail switches and signals functioning if the railroad's computer-based signal system ever failed. As a result, "since 2018, [the LIRR] has not had anybody test the emergency control system," according to the court ruling.

LIRR officials declined requests by Newsday to respond to that assertion.

LIRR management also conducted a rare "GPS audit" of Inganamorte's group that entailed tracking their locations and resulted in them being forced "to work in very cramped environments" during the height of the COVID-19 pandemic, according to court documents.

"They forced him and his gang out of headquarters, even during the winter, so they would have to huddle in little huts and in running trucks during ... COVID, when they were supposed to be distancing themselves," Seham said in an interview Tuesday.

Although the LIRR argued the actions singled out by Inganamorte as retaliatory were nothing more than “inconveniences to which nearly every LIRR [worker] is subject,” the court said it was “hard pressed” to find that Inganamorte’s whistleblower complaints were not “a contributing factor” to the railroad’s actions.

The court awarded Inganamorte \$125,000 in damages, about \$8,600 in back pay for the overtime he was denied, and ordered the railroad to restore his seniority, which Inganamorte lost upon his demotion. It also ordered the railroad to cover Inganamorte’s legal expenses.

The LIRR has dealt with other claims of wage theft by workers, including four workers who were convicted on fraud charges following investigations into unusually high overtime spending at the railroad in 2018.



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