

CCASE:  
JEFFREY FANKHAUSER V. GEX HARDY  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

JEFFREY L. FANKHAUSER,  
COMPLAINANT

v.

GEX HARDY, INC.,  
RESPONDENT

DISCRIMINATION PROCEEDING

Docket No. LAKE 84-87-D

MSHA Case No. VINC CD 84-06

Holmes Strip Mine

DECISION APPROVING SETTLEMENT

Before: Judge Kennedy

This matter is before me on the parties motion to approve settlement of the captioned anti-retaliation matter.

Based on an independent evaluation and de novo review of the circumstances, I find the relief afforded the miner under the stipulated terms of settlement are in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the conditions for settlement set forth in counsel's letter of November 30, 1984, be, and hereby are, APPROVED. It is FURTHER ORDERED that said terms be, and hereby are, incorporated herein and that the operator FORTHWITH proceed to:

1. Expunge from Mr. Fankhauser's personnel file all disciplinary actions connected with the incidents challenged.
2. Reimburse Mr. Fankhauser for the three days suspension without pay previously effected.
3. Upon receipt of his claim, promptly certify Mr. Fankhauser's Workmen's Compensation Claim.
4. Pay for the repair of Mr. Fankhauser's artificial leg and any medical bills or other expense incurred as a result of the injuries suffered by Mr. Fankhauser.

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Finally, it is ORDERED that subject to compliance with this order the captioned matter be DISMISSED.

Joseph B. Kennedy  
Administrative Law Judge