

CCASE:
SOL (MSHA) v. COTTER CORPORATION
DDATE:
19810504
TTEXT:

~1209

Federal Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF JAMES
FRANKLIN COULTER,

COMPLAINANT

v.

COTTER CORPORATION,

RESPONDENT

COMPLAINT OF DISCHARGE,
DISCRIMINATION OR INTERFERENCE

DOCKET NO. WEST 81-11-DM

MINE: Cotter Mill

DECISION AND ORDER

On April 23, 1981, the parties to this proceeding filed with the Commission a Stipulation of Settlement, Consent, and Motion seeking an agreed disposition of the case.

Under the terms of the stipulation, the parties agree that respondent shall compensate James Franklin Coulter in the amount of \$1,000.00 for loss of back wages and other expenses resulting from his discharge; that respondent shall expunge the employment record of James Franklin Coulter of any adverse references relating to his discharge; and that James Franklin Coulter shall accept the above stipulations as full settlement of the claim giving rise to this case.

By joint motion, the parties therefore seek an order providing that within 40 days respondent tender the agreed upon sum to complainant; that respondent expunge from complainant's employment record any adverse references relating to his discharge; that respondent transmit to complainant a copy of his employment record reflecting the deletion of any adverse references relating to his discharge; and that the confidential files of respondent's attorney may be introduced as evidence in any subsequent proceeding brought by complainant against respondent relating to his discharge.

Given complainant's consent to the terms of the settlement and finding that such settlement will effectuate the purposes of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq., it is

ORDERED: that the settlement agreed to by the parties is hereby APPROVED, that the joint motion is hereby GRANTED in full and, that this case is hereby DISMISSED WITH PREJUDICE

John A. Carlson
Administrative Law Judge