

CCASE:
SOL (MSHA) v. TRAIL COAL
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Federal Mine Safty and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
JOHN COCHRANE AND
DARYL SPRADLEY,

COMPLAINANTS

v.

COMPLAINT OF DISCHARGE,
DISCRIMINATION OR INTERFERENCE

DOCKET NO. WEST 80-451-D

DENV CD 80-13

MINE: Trail Mountain

TRAIL MOUNTAIN COAL COMPANY,
RESPONDENT

DECISION AND ORDER

On May 14, 1981, the parties to this proceeding filed with the Commission a Stipulation of Settlement, Motion and Consent seeking an agreed disposition of the case.

Under the terms of the stipulation, the parties agree that respondent shall compensate John Cochrane and Daryl Spradley in the amount of \$9,000.00 each in settlement of their claims against respondent resulting from their discharges; that respondent shall expunge the employment records of John Cochrane and Daryl Spradley of any adverse references relating to their discharges; and that John Cochrane and Daryl Spradley shall accept the above stipulations as full settlement of the claims giving rise to this case.

By joint motion, the parties seek an order providing: that respondent tender the agreed upon sum to John Cochrane and Daryl Spradley; that respondent expunge from their employment records any adverse references relating to their discharges; and that the above-entitled action be dismissed with prejudice and upon the merits.

Given the complainants' 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.

Jon D. Boltz
Administrative Law Judge