

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

JUN 24 1981

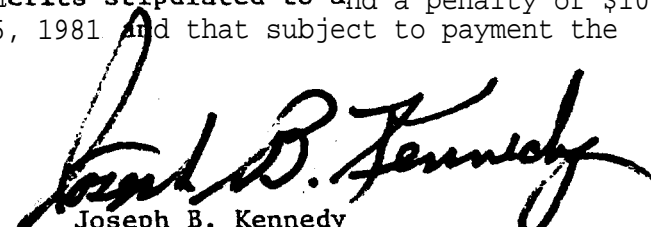
| | | |
|------------------------|---|-----------------------------|
| SECRETARY OF LABOR, | : | Complaint of Discrimination |
| MINE SAFETY AND HEALTH | : | |
| ADMINISTRATION (MSHA), | : | Docket No. WEVA 80-668-D |
| ON BEHALF OF LEONARD | : | |
| CUNNINGHAM, et al., | : | Alpine Mine |
| Complainants | : | |
| | : | |
| v. | : | |
| | : | |
| SUBREG CORPORATION, | : | |
| Respondent | : | |

DECISION AND ORDER

The parties move to dismiss the captioned discrimination complaint on the ground that the matter has been settled by an agreement between the complainants and the operator dated June 4, 1981.

Based on an independent evaluation and de novo review of the circumstances, I find the settlement **proposed is in** accord with the purposes and policy of the Act.

Accordingly, it **is** ORDERED that settlement be, and hereby is APPROVED. It is FURTHER ORDERED that the operator pay the amount of the back pay and employment **benefits stipulated to** and a penalty of \$100 on or before Wednesday, July 15, 1981 and that subject to payment the captioned matter be DISMISSED.



Joseph B. Kennedy
Administrative Law Judge

Distribution:

Richard A. Steyer, Esq., Loomis, Owen, **Fellman & Howe**, 2020 K St., NW, Washington, DC20006 (Certified Mail)

Joyce Hanula, Esq., UMWA, 900 15th **St., NW**, Washington, DC 20005 (Certified Mail)

David E. Street, Esq., U.S. Department of Labor, Office of the Solicitor, 3535 Market St., Philadelphia, PA 19104 (Certified **Mail**)

Leonard Cunningham, Route 1, Box 161 A, Lost Creek, WV 26385 (Certified Mail)