

CCASE:  
SOL (MSHA) v. CENTENNIAL DEVELOPMENT  
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TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
ON BEHALF OF  
CALVIN M. BIGELOW,

COMPLAINANT

COMPLAINT OF DISCHARGE,  
DISCRIMINATION OR INTERFERENCE

DOCKET NO. WEST 81-51-DM

MINE: FMC Mine

v.

CENTENNIAL DEVELOPMENT COMPANY,  
RESPONDENT

DECISION AND ORDER

On September 4, 1981, the parties to the 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 Calvin M. Bigelow in the amount of \$8,000.00 in settlement of his claim against respondent resulting from this discharge and that respondent shall expunge the employment record of Calvin M. Bigelow of any adverse references relating to his discharge.

By joint motion, the parties seek an order providing: that respondent tender the agreed upon sum to Calvin M. Bigelow within 40 days and that respondent expunge from his employment record any adverse references relating to his discharge.

Given the complainant's consent to the terms of the settlement and finding that such settlement will effectuate the purpose 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, that the respondent tender to the complainant the sum of \$8,000.00 within 40 days from August 19, 1981, the date he signed the stipulation, and that this case is hereby DISMISSED WITH PREJUDICE.

Virgil E. Vail  
Administrative Law Judge