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J. HORVATH v. GREEN ELECTIC

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

J. OTTO HORVATH,
COMPLAINANT

v.

GREEN ELECTRIC COMPANY, AND
LIVELY CONSTRUCTION COMPANY,
RESPONDENT

COMPLAINT OF DISCHARGE,
DISCRIMINATION OR INTERFERENCE

DOCKET NO. WEST 81-185-D

MSHA CASE NO. DENV CD 81-3

MINE: Fork Union Coal Company

DECISION AND ORDER

Pursuant to a notice of hearing dated June 29, 1981, a hearing in the above-entitled proceeding was held in Gillette, Wyoming, on August 25, 1981.

At the hearing, counsel for the respondent presented a stipulation and release of claim signed by complainant. The release states that complainant agrees to a dismissal of the complaint he has filed against Green Electric Company and Lively Construction Company (Docket No. WEST 81-185-D) with prejudice and agrees not to bring any further complaint against either respondent arising out of his employment relationship with said parties.

Complainant's release of all claims made in this proceeding is based on a settlement agreement between him and the two respondents dated August 25, 1981. That agreement shows that respondent jointly agreed to pay complainant \$4,000.00 in settlement of any and all claims, known or unknown, which complainant may have against the two respondents.

The complainant and counsel for both respondents appeared at the hearing and all stated for the record their agreement and satisfaction with the settlement.

Having received the 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 and that as to both respondents, this case is hereby DISMISSED WITH PREJUDICE.

Virgil E. Vail
Administrative Law Judge