

CCASE:  
SOL (MSHA) V. MINE SHAFT  
DDATE:  
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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 JAMES F. MILLER,  
COMPLAINANT

COMPLAINT OF DISCHARGE,  
DISCRIMINATION OR INTERFERENCE

DOCKET NO. WEST 81-226-DM

v.

MD 80-169

MINE SHAFT & TUNNELL CORPORATION, A  
SUBSIDIARY OF CENTENNIAL MINING CO.,  
RESPONDENT

ORDER APPROVING SETTLEMENT

On October 1, 1981, the parties in the above-captioned case filed a stipulation of settlement, consent and motion seeking an agreed disposition of the case.

The terms of the stipulation are as follows:

1. Respondent agrees to compensate the complainant, James F. Miller, in the amount of \$5,000.00 for loss of back wages and other expenses resulting from his discharge.
2. James F. Miller's employment record will be expunged of any adverse references relating to his discharge, and
3. James F. Miller accepts the above stipulations as a full settlement of this case.

Given the complainant's consent to the terms of the settlement and finding that such a 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, as agreed to by the parties, be APPROVED.

It is FURTHER ORDERED that respondent tender to the complainant the sum of \$5,000.00 within 10 days from the date of this order and that the case is hereby DISMISSED WITH PREJUDICE.

Virgil E. Vail  
Administrative Law Judge