

CCASE:
LANSALOT OLGUIN V. CITIES SERVICE
DDATE:
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

LANSALOT A. OLGUIN,
COMPLAINANT

Complaint of Discrimination

Docket No. WEST 82-125-DM

v.

Pinto Valley Mine

CITIES SERVICE COMPANY,
INSPIRATION CONSOLIDATED
COPPER COMPANY,
RESPONDENTS

DECISION

Appearances: David F. Gomez, Esquire, Phoenix, Arizona, for the complainant E. W. Hack, Esquire, Tulsa, Oklahoma, for the respondent Cities Service Company Jon E. Pettibone, Esquire, Phoenix, Arizona, for the respondent Inspiration Consolidate Copper Company

Before: Judge Koutras

Statement of the Proceedings

This is a discrimination proceeding initiated by the complainant against the respondents pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977, charging the respondents with unlawful discrimination. Mr. Olguin alleged that the respondents retaliated against him by terminating and refusing to hire him because of certain safety complaints he made to MSHA.

Respondents filed answers to the complaint denying the allegations of discrimination, and after extensive pretrial discovery, and several pretrial interlocutory rulings and an appeal, the matter was scheduled for a hearing on the merits on Phoenix, Arizona, March 2, 1983. The hearing was continued and cancelled after the parties advised me that they had reached a settlement, and by motions filed with me on March 10 and 14, 1983, the parties now move for approval of the settlement and dismissal of the case.

Discussion

The joint motion for approval of the settlement in this case is executed by counsel for all parties, including the complainant Lansalot A. Olguin, by and through his attorney. The settlement proposals reflect that Mr. Olguin has entered into separate settlement agreements with each of the named respondents, and the parties state that the settlement is intended to settle and dispose of any and all claims arising out of Mr. Olguin's discrimination cases filed in the captioned dockets. Upon approval of the settlement, the parties jointly move for a dismissal of this matter.

The terms of the settlement agreements executed by the parties are included with the motions, and they are a matter of record. The parties state that in order to put this matter to rest and to avoid additional litigation time and expense, and upon approval of the settlement proposal, the named respondents will each pay to the complainant the sum of \$1,000 in full settlement of their respective disputes.

Conclusion

After full consideration of all of the pleadings filed by the parties in this matter, including the terms of the settlement, I conclude and find that the settlement disposition is a reasonable resolution of the disputes and that approval of same is in the public interest.

ORDER

In view of the foregoing, the motion for approval of the settlement IS GRANTED, the settlement IS APPROVED, and upon full compliance with the terms thereof, this matter IS DISMISSED.

George A. Koutras
Administrative Law Judge