

CCASE:

EDWIN WEBBER V. HARRISON WESTERN

DDATE:

19831013

TTEXT:

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

EDWIN WEBBER,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEST 82-195-DM

v.

HARRISON WESTERN CORP.,
RESPONDENT

DECISION

Appearances: Terris & Sunderland, Washington, D.C., Attorneys for
Complainant Dennis J. Conroy, Esq., Watkiss & Campbell,
Salt Lake City, Utah, for Respondent

Before: Judge Kennedy

This matter came on for an evidentiary hearing in Salt Lake City, Utah in May 1983. After trial and entry of a tentative bench decision in favor of complainant, the parties moved for approval of a stipulation for settlement.(FOOTNOTE 1) Based on a consideration of the circumstances set forth in the trial record, the tentative decision and the parties stipulation, I find the settlement proposed is in the best interest of complainant and in accord with the remedial purposes of the Act.

Accordingly, it is ORDERED that the motion to approve settlement be, and hereby is, GRANTED. It is FURTHER ORDERED that the operator forthwith pay the sum of \$22,000 to complainant, Edwin K. Webber, and that subject to payment the captioned matter be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge

FOOTNOTE START HERE-

1 Because the complainant appeared at the trial pro se, the presiding judge assumed responsibility for fully developing the record. See Heckler v. Campbell, ___ U.S. ___, 51 L.W. 4561, 4564, n. 1, 76 L. Ed. 2d 66, 77, n. 1; Lashley v. Secretary of Health and Human Services, 708 F.2d 1048, 1051-1052 (6th Cir. 1983). Subsequent to trial, the complainant obtained the pro bono services of counsel who filed a brief in support of the tentative decision and negotiated the settlement.