

CCASE:
SOL (MSHA) V. NATIONAL KING COAL
DDATE:
19840116
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
JACK LEWIS KIEFER,
COMPLAINANT
V.

DISCRIMINATION PROCEEDING
Docket No. WEST 83-96-D
MSHA Case No. DENV CD 82-26
King Coal Mine

NATIONAL KING COAL, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Carlson

The parties have submitted a stipulation and settlement agreement which, if approved, will resolve all issues in this discrimination case.

Under the terms of the agreement, respondent, National King Coal, Inc. (National), agrees to pay to Jack Lewis Kiefer the sum of \$7,500 as back wages and compensation for all other alleged damages resulting from his discharge. National further agrees to expunge from complainant's employment record any adverse references to his discharge.

Complainant, in turn, relinquishes any claim for reinstatement with National.

Having reviewed the file and considered the circumstances, I conclude that the settlement should be approved. Accordingly, the agreement of the parties is approved in its entirety.

Pursuant to the payment terms incorporated in the agreement, National shall tender to Jack Lewis Kiefer through the United States Department of Labor at 1585 Federal Building, 1961 Stout Street, Denver, Colorado 80294, the following installment sums on the following dates: \$2,500.00 on or before January 15, 1984; \$2,500.00 on or before February 15, 1984; and \$2,500.00 on or before March 15, 1984, for a total sum of \$7,500. Additionally, should National fail to tender any installment due under this order within 30 days after its due date, it shall pay to Jack Lewis Kiefer, through the United States Department of Labor, at the address aforesaid, a penalty in the amount of \$1,000.00, which shall be in addition to and not in lieu of any existing remedies for failure to comply with an order of this Commission.

~110

Further, in accord with its agreement, National shall, within 30 days of the date of this order, expunge from the employment record of Jack Lewis Kiefer any adverse references to his discharge.

In view of this settlement, this discrimination proceeding is dismissed.

SO ORDERED.

John A. Carlson
Administrative Law Judge