

CCASE:
SOL (MSHA) V. BUCK GARDEN
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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 MCNEIL TAYLOR,
COMPLAINANT

v.

BUCK GARDEN COAL COMPANY,
RESPONDENT

DISCRIMINATION PROCEEDING

Docket No. WEVA 83-241-D

MSHA Case No. HOPE CD-83-25

No. 4 Mine

DECISION

Before: Judge Kennedy

The parties move for approval of the captioned wrongful discharge matter upon a showing that the matter has been compromised and settled to the satisfaction of the complainant-miner.

Based on the independent evaluation and de novo review of the circumstances, I find the settlement proposed is in the best interest of complainant and in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion to withdraw the complaint be, and hereby is GRANTED. It is FURTHER ORDERED that in accordance with the terms of the settlement the operator FORTHWITH pay the lump sum of \$1,000 to complainant, James McNeil Taylor, and thereafter pay to complainant the sum of \$250 on the first day of each succeeding month for a period of sixteen (16) months, until the total sum of \$5,000 has been paid to complainant. Finally, it is ORDERED that, subject to payment of the sums agreed upon, the captioned matter be DISMISSED with prejudice.

Joseph B. Kennedy
Administrative Law Judge