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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 ON BEHALF OF  
LOREN E. NIELSEN, SR.,  
COMPLAINANT  
v.

DISCRIMINATION PROCEEDING

Docket No. CENT 84-11-DM  
MSHA Case No. MD 83-34

Bird Quarry & Plant

STEWART STONE, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Vail

This case is before me upon the complaint filed by the Secretary of Labor on behalf of Loren E. Nielsen, Jr., under section 105(c)(2) of the Federal Mine Safety and Health Act of 1977 (the "Act"), for an alleged unlawful discharge on or about May 13, 1983. The parties have filed a joint stipulation of settlement and proposed order of dismissal in which respondent has agreed to pay Mr. Nielsen \$3,000.00 in settlement of, on account of, or arising out of his employment relationship with respondent, specifically the termination of his employment and/or any alleged discriminatory employment practice committed by respondent against the complainant at any time prior to the execution of the agreement. Nielsen seeks to withdraw any and all complaints of discrimination filed with Federal Mine Safety and Health Administration including the complaint above. The Secretary also seeks to withdraw its request for a civil penalty. Each party agrees to bear his own fees and other expenses incurred herein.

I have considered the representations and documentation submitted in this case, and I conclude that the proffered disposition is appropriate.

WHEREFORE, the proposed settlement is APPROVED and this case is DISMISSED.

Virgil E. Vail  
Administrative Law Judge