

CCASE:  
DONALD WIGGING V. COLOWYO COAL  
DDATE:  
19840924  
TTEXT:

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

DONALD F. WIGGINS,  
COMPLAINANT  
v.

COLOWYO COAL COMPANY,  
RESPONDENT

DISCRIMINATION PROCEEDINGS

Docket No. WEST 83-117-D  
MSHA Case No. DENV CD 83-20  
Docket No. WEST 84-133-D  
MSHA Case No. DENV CD 84-6

DECISION APPROVING SETTLEMENT

Before: Judge Carlson

The parties have submitted a settlement agreement in this consolidated discrimination case. In view of the settlement of all issues, the complainant, joined by the respondent, moves for dismissal of the proceeding, with prejudice.

Under the terms of the agreement, respondent agrees to pay to the complainant the sum of \$15,000 to cover the costs of moving his family and further agrees to pay all wages and accrued but unused vacation pay through September 17, 1984. Respondent admits no violation of the Mine Safety and Health Act of 1977 or any regulation promulgated thereunder.

Complainant, on the other hand, resigns his employment with respondent effective September 17, 1984, waives and releases all claims arising out of his employment with respondent, and agrees to other conditions which need not be recited here.

Having reviewed the file and considered the circumstances, I conclude that the settlement should be approved in its entirety. Accordingly, respondent's motion is granted, the settlement is approved, and Dockets WEST 83-117-D and WEST 84-133-D are dismissed with prejudice.

SO ORDERED.

John A. Carlson  
Administrative Law Judge