

CCASE:  
SOL (MSHA) v. CLIFF SAND & GRAVEL  
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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 CHRIS STEUER,  
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. LAKE 85-73-DM

MD 84-36

v.

Cliff Sand & Gravel Wash  
Plant

CLIFF SAND & GRAVEL, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On July 25 and July 29, the Secretary filed a Motion to Dismiss and approve a settlement in the above proceeding. The complaint filed herein alleged that complainant Chris Steuer was discharged from his position with respondent on August 14, 1984 in violation of section 105(c) of the Act.

The motion states that complainant Chris Steuer has returned to work for another employer and that he lost approximately one week of wages after his discharge from Respondent. Mr. Steuer does not wish to be reinstated at Respondent. Respondent has agreed to pay Mr. Steuer the sum of \$1,000 as lost wages and the Solicitor has received a check made out to Mr. Steuer in that amount, less FICA deductions.

Respondent has agreed to post a notice at its offices that it supports section 105(c)(1) of the Act; Respondent has stated that it will not discriminate against any employee for activity protected under the Act; Respondent states that none of the personnel records of Chris Steuer contain any reference to the incidents of August 14, 1984 set forth in his complaint and no such reference will be inserted in the future. The Secretary waives his right to request the assessment of a civil penalty for the alleged violation.

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I have duly considered the motion and conclude that it is in the best interest of the complainant and is consistent with the purposes of the Act.

Therefore, the settlement agreement is APPROVED, and this proceeding is DISMISSED.

James A. Broderick  
Administrative Law Judge