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LEE ROY FIELDS v. CHANEY CREEK COAL  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

LEE ROY FIELDS,  
COMPLAINANT

DISCRIMINATION PROCEEDING

v.

CHANEY CREEK COAL CORPORATION,  
RESPONDENT

Docket No. KENT 86-19-D  
MSHA Case No. BARB CD 85-60

No. 5 Mine

DECISION APPROVING SETTLEMENT  
AND

ORDER OF DISMISSAL

Before: Judge Koutras

Statement of the Case

This proceeding concerns a discrimination complaint filed on November 12, 1985, by the complainant against the respondent pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977. The complainant was employed by the respondent as a section foreman, and he alleged that he was discharged by the respondent for making safety complaints and for his refusal to ride a conveyor belt which he believed was unsafe.

On November 29, 1985, counsel for the parties filed a joint motion to dismiss the complaint on the ground that the parties have settled the dispute. The parties state that the complainant wishes to withdraw his complaint and that he waives his claims to any attorney's fees. Included with the motion is a settlement agreement executed by counsel on behalf of the complainant and the respondent.

Discussion

The settlement agreement states in pertinent part as follows:

In return for Fields withdrawal of said complaint and waiver of said claim, Chaney Creek Coal Corp. hereby agrees to reinstate Fields to a position at either its White Oak (Dollar Branch) mine

or its Oneida (No. 2) mine, beginning on Monday, December 2, 1985, at the pay rate of \$10.00 per hour. If a foreman's job is not available on said date at the mine at which Fields is reinstated, Chaney Creek further agrees to assign Fields the next foreman's position to come open at either said mine after his reinstatement.

In addition, Chaney Creek shall pay Fields the sum of \$4,800, said sum to be paid in three equal installments of \$1,600. The first payment shall be made on or before December 2, 1985; the second payment shall be made on or before December 31, 1985; and the third payment shall be made on or before January 31, 1986.

#### Conclusion

After careful consideration of the motion and supporting settlement agreement, I conclude and find that the settlement disposition is reasonable and in the public interest. Accordingly, the settlement disposition is APPROVED, and the motion to dismiss IS GRANTED.

#### ORDER

In view of the mutually agreeable settlement disposition of this case, the complaint IS DISMISSED.

George A. Koutras  
Administrative Law Judge