

CCASE:
STEVE COLLETT V. CHANEY CREEK COAL
DDATE:
19870210
TTEXT:

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

STEVE COLLETT,
COMPLAINANT

DISCRIMINATION PROCEEDING

v.

Docket No. KENT 86-109-D
MSHA Case No. BARB CD 86-19

CHANEY CREEK COAL
CORPORATION,
RESPONDENT

Dollar Branch Mine

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This is a discrimination proceeding initiated by the complainant against the respondent pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977, alleging that the respondent discriminated against him by discharging him on January 14, 1986, for making safety complaints about a shuttle car which he operated in the mine. Mr. Collett's initial complaint was investigated by MSHA, and it declined to file a complaint on his behalf after determining that a violation of section 105(c) had not occurred. Mr. Collett subsequently filed this action with the Commission through counsel.

A hearing on the merits of the complaint was scheduled on February 11, 1987, in London, Kentucky. However, it was cancelled after Mr. Collett's counsel advised me that the parties had reached a settlement. The parties have now filed their settlement agreement with me, and they jointly move for a dismissal of the complaint on the basis of that agreement.

Discussion

Mr. Collett's counsel states that Mr. Collett is now employed for another coal company, and is no longer interested in reinstatement with the respondent. Under the terms of the settlement, Mr. Collett agrees to withdraw his complaint and to waive all further claims against the respondent. The respondent

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agrees to pay Mr. Collett \$4,000, in satisfaction of his complaint, in two separate installments of \$2,000. The first installment is to be paid on or before February 10, 1987, and the second installment is to be paid on or before March 10, 1987.

Conclusion

After careful review and consideration of the settlement terms and conditions executed by the parties in this proceeding, I conclude and find that it reflects a reasonable resolution of the complaint. Since it seems clear to me that the parties are in accord with the agreed upon disposition of the complaint, I see no reason why it should not be approved.

ORDER

The proposed settlement IS APPROVED. Respondent IS ORDERED AND DIRECTED to fully comply forthwith with the terms of the agreement. Upon full and complete compliance with the terms of the agreement, this matter is dismissed.

George A. Koutras
Administrative Law Judge