

CCASE:  
ODELL MAGGARD V. CHANEY CREEK  
DDATE:  
19870814  
TTEXT:

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

ODELL MAGGARD,  
COMPLAINANT

DISCRIMINATION PROCEEDING

v.

Docket No. KENT 87-138-D  
MSHA Case No. BARB CD 86-72

CHANEY CREEK COAL CORPORATION,  
RESPONDENT

Dollar Branch Mine

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This proceeding concerns a complaint of discrimination filed by the complainant against the respondent pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977. The complainant alleged that after his reinstatement by the respondent as a result of a prior discrimination complaint, he was subsequently forced to quit his job because of harrassment by the respondent. A hearing on the merits of his complaint was scheduled for London, Kentucky, during September 13, 1987. However, the parties have now filed a joint motion to dismiss the complaint on the ground that they have settled their dispute in accordance with a settlement agreement which they have filed.

Discussion

Pursuant to the terms of the settlement agreement, Mr. Maggard agrees to withdraw his complaint and to waive his claim to reinstatement and attorney fees in this matter. In return, the respondent agrees to pay Mr. Maggard the sum of \$7,000 in damages. Said damages are to be paid in separate installments of \$1,000 each. The first installment shall be paid on or before July 22, 1987; and the remaining installments shall be paid on or before the 22nd of each succeeding month (with the final installment due on January 22, 1988).

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