

CCASE:
SOL (MSHA) (JAMES BOWMAN) V. CONSOLIDATION COAL
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May 12, 1988

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
JAMES E. BOWMAN,
Complainant
v.

DISCRIMINATION PROCEEDING
Docket No. WEVA 88-217-D
MORG CD 87-19
Blacksville No. 1 Mine

CONSOLIDATION COAL COMPANY,
Respondent

ORDER APPROVING SETTLEMENT
ORDER TO COMPLY AND ORDER OF DISMISSAL

Before: Judge Merlin

The Secretary on behalf of the complainant has filed a motion to withdraw the complaint and to dismiss this proceeding on the grounds that a settlement has been reached with the respondent. The settlement agreement requires the respondent to; (1) pay the complainant \$121.72 for lost wages, (2) expunge from the personal record of the complainant all reference to the illegally issued discipline, (3) post a notice that the respondent will not violate section 105(c) of the Act, and (4) pay a civil penalty of \$800.

The settlement is APPROVED as in accordance with the purposes of the Federal Mine Safety and Health Act of 1977.

Accordingly, the motion to withdraw is GRANTED and the parties, if they have not already done so, are ORDERED to comply with the settlement agreement, including the payment of \$121.72 for lost wages and payment of an \$800 civil penalty, within 30 days from the date of this decision.

It is further ORDERED that once the parties have complied with the settlement agreement this case is DISMISSED.

Paul Merlin
Chief Administrative Law Judge

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Distribution:

Linda M. Henry, Esq., Office of the Solicitor, U. S. Department of Labor,
Room 14480-Gateway Building, 3535 Market Street, Philadelphia, PA 19104
(Certified Mail)

Michael R. Peelish, Esq., Consolidation Coal Company, 1800 Washington Road,
Pittsburgh, PA 15241 (Certified Mail)

Mr. James R. Bowman, 16 Garfield Street, Westover, WV 26505 (Certified
Mail)