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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF RAYMOND LONG,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. WEVA 88-281-D
HOPE 88-12
No. 130 Mine

CANNELTON INDUSTRIES, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT
AND DISMISSING PROCEEDING

Before: Judge Broderick

On December 15 and 19, 1988, the Secretary filed a motion to approve a settlement agreed to by all parties to this proceeding. Respondent agrees to send the letter attached to the motion as Exhibit 1, to complainant Long, and to post a copy of the letter at the mine for 30 days. Respondent agrees to expunge the written warning issued to Long from his personnel file. It further agrees not to consider the incident of February 12, 1988, in any disciplinary action or personnel decision involving complainant. Respondent agrees to set up a training program for its foremen regarding the provisions of section 105(c) of the Mine Act. The program shall conform to the outline attached to the motion as Exhibit 2 and may be monitored by MSHA. It further agrees to pay a civil penalty of \$1000, and to post a copy of the motion and this order at the mine for 30 days.

This case does not involve any lost time or claim for back pay or expenses. I have considered the motion in the light of the purposes of section 105(c) of the Act, and conclude that it should be approved.

Accordingly, the motion to approve settlement is GRANTED; Respondent is ordered to carry out the terms of the settlement, and to pay the civil penalty of \$1000 within 30 days of the date of this decision. Subject to Respondent carrying out the terms of the settlement, this proceeding is DISMISSED.

James A. Broderick
Administrative Law Judge