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SOL (MSHA) V. J. HAMILTON CONSTRUCTION
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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
MICHAEL ALBERT SWINNEY,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEST 89-172-DM

MD 88-51

Morenci Mine

v.

JAMES HAMILTON CONSTRUCTION,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Lasher

The parties have reached an amicable resolution of this matter. The terms of the agreement are that Complainant, in return for the payment of \$1,000.00, agrees to dismiss this matter. Complainant also waives civil penalties.

In the premises, the settlement appears appropriate and is approved. Accordingly, if it has not previously done so, Respondent is ordered to pay Complainant the sum of \$1,000.00 in accord with the settlement agreement immediately upon receipt of this decision. It is further ordered that upon such payment these proceedings be deemed dismissed with prejudice with each party to bear his(its) own costs.

Michael A. Lasher
Administrative Law Judge