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SOL (MSHA) V. CALLAHAN MINING  
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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 KEVIN BUREAU,  
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. LAKE 89-70-DM

MD 87-46

v.

Ropes Gold Mine

CALLAHAN MINING CORP.,  
RESPONDENT

DECISION APPROVING SETTLEMENT AND DISMISSING PROCEEDING

Before: Judge Broderick

On September 25, 1989, the Secretary filed a motion to dismiss this proceeding and to approve a settlement between the parties. Kevin Bureau was discharged by Respondent on July 1, 1989. He has worked for several other employers since that date and is presently employed. He does not wish to be reinstated to his former position or any other position with Respondent.

The settlement agreement provides that Respondent will pay Bureau the sum of \$20,000; that it will not discriminate against any employee who asserts rights under section 105(c) of the Act; that it will post a notice at the mine for 30 days to that effect; that none of Bureau's personnel records refer to the incidents of June 30, 1987 and July 1, 1987, leading to his discharge. The Secretary withdraws her petition for a civil penalty.

I have considered the motion in the light of the purposes of section 105(c) of the Act and conclude that the motion should be granted and the settlement approved.

Accordingly, the settlement is APPROVED, the motion is GRANTED and this proceeding is DISMISSED.

James A. Broderick  
Administrative Law Judge