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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  
JOHN L. JONES, JR.,  
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEVA 89-227-D

HOPF CD 89-07

Mine No. 4

v.

VIRGINIA CARBON, INC.;  
DAVID CLEVINGER, INDIVIDUALLY  
AND AS OPERATOR OF VIRGINIA  
CARBON, INC.;  
EVERETT DELANEY, INDIVIDUALLY  
AND AS OPERATOR OF VIRGINIA  
CARBON, INC.;  
MARSHALL KEEN, INDIVIDUALLY  
AND AS AGENT OF VIRGINIA  
CARBON, INC.;  
CARLOS KEEN, INDIVIDUALLY  
AND AS AGENT OF VIRGINIA  
CARBON, INC.,  
RESPONDENTS

DECISION APPROVING SETTLEMENT

The Secretary brought this case in behalf of John L. Jones, Jr., under 105 (d) of the Federal Mine Safety and Health Act, 30 U.S.C. 801 et seq., alleging a discriminatory discharge in violation of 105(c) of the Act.

The Secretary has moved for approval of a settlement agreement. I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the purpose of the Act.

ORDER

WHEREFORE IT IS ORDERED that:

1. The motion to approve the proffered settlement is GRANTED.

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2. Respondent shall pay the agreed settlement amount within 30 days of this Decision and upon such payment this proceeding is DISMISSED.

William Fauver  
Administrative Law Judge