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SOL (MSHA) & UMWA V. JIM WALTER RESOURCES
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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,
ON BEHALF OF
DAN NELSON
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. SE 89-107-D

OTC&I CD - 88-01(2)

Mine No. 7

AND

UNITED MINE WORKERS OF AMERICA
INTERVENOR

v.

JIM WALTER RESOURCES, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT AND ORDER OF DISMISSAL

Appearances: Colleen Geraghty, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Complainants;
Patrick K. Nakamura, Esq., Longshore, Nakamura,
and Quinn; Birmingham, Alabama, for United Mine
Worker of America;
David M. Smith, Esq., Maynard, Cooper, Frierson
and Gale; Birmingham, Alabama, for Petitioner.

Before: Judge Melick

At hearing Complainant requested approval of a settlement agreement in the captioned case proposing a penalty of \$2,000. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate under the relevant criteria set forth in Section 110(i) of the Act.

WHEREFORE, the settlement is approved and it is ORDERED that Respondent pay a penalty of \$2,000 within 30 days of this order. The case is accordingly dismissed.

Gary Melick
Administrative Law Judge
(703) 756-6261