

CCASE:  
SOL (MSHA) V. BLACK PINE 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  
JACK WINNINGHOFF,  
COMPLAINANT

DISCRIMINATION PROCEEDING  
  
Docket No. WEST 89-79-D  
  
Black Pine Mine

v.

BLACK PINE MINING COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Cetti

This proceeding was brought by the Secretary of Labor on behalf of Jack Winninghoff, under 105(c)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq., for certain corrective relief to undo the effects of alleged discrimination against him, and for a civil penalty for an alleged violation of 105(c) of the Act.

The parties have moved for an order approving their proposed settlement, ordering compliance with its terms and for dismissal of this proceeding. I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in 105(c) and 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that:

1. The motion for approval of the settlement is GRANTED.
2. Respondent, Secretary and Complainant shall comply with all the terms of the settlement agreement.
3. The Secretary withdraws her complaint and does not seek a civil penalty against respondent for its alleged violation of Section 105(c) of the Act.

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4. Respondent shall pay Jack Winninghoff the lump sum of \$14,000 which sum represents payment of all claims, including lost wages.

5. Subject to full compliance with the agreement, the complaints of the Secretary and Jack Winninghoff will be considered withdrawn and this proceeding is DISMISSED with prejudice.

August F. Cetti  
Administrative Law Judge