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ARMANDO M. RIVAS V. PHELPS DODGE MORENCI
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

ARMANDO M. RIVAS,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEST 89-395-DM

v.

MD 89-36

PHELPS DODGE MORENCI, INC.,
RESPONDENT

DECISION

Appearances: Lisa K. York, Esq., Phoenix, Arizona,
for Complainant,
Michael D. Moberly, Esq., RYLEY, CARLOCK & APPLEWHITE,
Phoenix, Arizona,
for Respondent.

Before: Judge Lasher

This proceeding arose pursuant to the provisions of Section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. A preliminary hearing to resolve jurisdictional issues was held in Phoenix, Arizona, on February 6, 1990. Thereafter, and prior to formal hearing on the merits, the parties reached an amicable resolution of this matter, based on a cash payment to Complainant. On June 9, 1990, the parties filed a duly executed stipulation authorizing dismissal of this proceeding with prejudice.

Accordingly, the matter having been settled and the parties so authorizing, this proceeding is dismissed with prejudice, with both parties to bear their own costs and attorneys fees.

Michael A. Lasher, Jr.
Administrative Law Judge