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SOL (MSHA) V. CONSOLIDATION COAL
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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 DAVID HOLLIS,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEVA 90-78-D
MORG CD 89-07

Osage No. 3 Mine

v.

CONSOLIDATION COAL COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

On June 28, 1990, the Secretary filed a Motion to Approve Settlement. Counsel for David Hollis and Counsel for Consolidation Coal Company signed the Motion indicating they agreed and consented to it. I approve the settlement as set forth in paragraph 8 of the Motion, as it constitutes a fair disposition of the issues raised by the Complaint. Accordingly, the Motion is GRANTED, and pursuant to the settlement, I hereby make all the specific findings as set forth in paragraph 8.(a)(b) and (c).

It is ORDERED that the findings and the terms of the Settlement, as set forth in paragraph 8 of the Secretary's Motion and incorporated herein, are approved.

It is further ORDERED that Respondent shall:

a. Execute and mail an original copy of the notice attached as Exhibit 1 to this Motion to David Hollis and to post a copy of the notice at the Osage No. 3 Mine for a period of not less than 30 days;

b. Expunge any reference to the events of the morning of August 28, 1989, from all records maintained by Consolidation Coal Company which are searchable by the Complainant's name, including but not limited to, the personnel records of Consolidation Coal Company;

c. Give the training program, attached as Exhibit 2 to the Motion, to the superintendent, the mine foreman, all mine safety department personnel at the Osage No. 3 Mine, and to the Regional Safety Manager of Consolidation Coal Company's Northern West Virginia Division within 90 days of the date of this Decision;

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d. Provide at least 48 hour written notification of the time and location of all sessions of the training program to MSHA's Morgantown, West Virginia Field Office and that representatives of MSHA have the right to be present at all such training sessions;

e. Pay a civil penalty of \$100;

f. Post a copy of the Motion to Approve Settlement and the Decision Approving Settlement at the Osage No. 3 Mine for a period of not less than 30 days.

Avram Weisberger
Administrative Law Judge