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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
WILLIAM A. MARSHALL,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. LAKE 90-78-DM

Quality Pit & Mill

v.

QUALITY READY MIX, INC.

DECISION APPROVING SETTLEMENT
AND DISMISSING PROCEEDING

Before: Judge Broderick

On November 21, 1990, the Secretary submitted a settlement agreement executed by Complainant William Marshall and by counsel on behalf of the Secretary and Respondent. The agreement provides that Respondent shall pay William Marshall the sum of \$4500 in settlement of his claim against Quality Ready Mix, that Marshall's personnel file shall reflect that he was separated from Respondent's employ by mutual agreement of the parties. It further provides that the Secretary withdraws her demand for a civil penalty against Respondent in this proceeding. I have considered the agreement in the light of the purposes of the Act and conclude that it should be approved.

Accordingly, the settlement agreement dated November 18, 1990, by and among the Secretary of Labor, William M. Marshall and Quality Ready Mix is APPROVED.

IT IS ORDERED that the terms of the settlement agreement including the payment by Respondent to Marshall of the sum of \$4500 shall be carried out within 30 days of the date of this order. Upon compliance with this order, this proceeding is DISMISSED.

James A. Broderick
Administrative Law Judge