

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR
WASHINGTON. D.C. 20006

January 16, 1991

SECRETARY OF LABOR	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 91-104-DM
ON BEHALF OF	:	
ROBERT J. RICHARDSON,	:	Star Point No. 2 Mine
Complainant	:	
	:	
	:	
v.	:	
	:	
J. S. REDPATH CORPORATION,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT
ORDER TO PAY
ORDER OF **DISMISSAL**

Before: Judge Merlin

On December 31, 1990, the Solicitor filed a stipulation of settlement, consent and motion in the above-captioned discrimination case. The stipulation sets forth the proposed agreement as follows:

The Respondent has authorized the Secretary to represent the following agreements and stipulations to the Court:

1; Respondent hereby agrees to compensate Robert Richardson in the amount of \$480.00 for loss of back wages and other expenses resulting from his discharge.

2. Robert Richardson's employment record will be expunged of any adverse references relating to this matter.

3. The Secretary hereby agrees to withdraw his **re-**quest for a penalty in this case, based upon the Respondent's good faith and willingness to resolve this matter.

4. Complainant and the Secretary hereby accept the above stipulations as full settlement of the case filed herein.

The parties jointly move for an order requiring respondent within 30 days to (1) tender to Robert Richardson the sum of \$480.00, and (2) expunge from Robert Richardson's employment records any adverse reference to this matter

Robert Richardson has been fully paid in this matter and has authorized the Secretary to represent to the Court that he consents to the settlement of his discrimination claim against respondent in accordance with settlement (sic) agreement contained in the above stipulation.

Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

In light of the foregoing, I find the settlement appropriate under the circumstances.

Accordingly, it is ORDERED that the proposed settlement be APPROVED and the operator within 30 days of the date of this order EXPUNGE from Robert Richardson's employment records any adverse reference to this matter. The operator having paid, it is further ORDERED that this case be DISMISSED.



Paul Merlin
Chief Administrative Law Judge

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