

CCASE:  
DANNY SPARKS AND OTHERS v. VP-5 MINING  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
2 Skyline 10th Floor  
5203 Leesburg Pike  
Falls Church, Virginia 22041

DANNY SPARKS AND OTHERS,  
COMPLAINANTS

v.

VP-5 MINING COMPANY,  
RESPONDENT

COMPENSATION PROCEEDING

Docket No. VA 90-56-C

VP-5 Mine

ORDER APPROVING SETTLEMENT  
AND DISMISSING PROCEEDING

Before: Judge Broderick

Applicants filed for compensation under section 111 of the Act for workers on the second shift at the subject mine following the issuance of an order of withdrawal under section 107(a) at 6:30 p.m., June 7, 1990. The withdrawal order was issued because of an excessive amount of methane in the bleeder system of the six development longwall. The application stated that the withdrawn miners were paid for 4 hours on June 7, 1990.

On January 28, 1991, Applicant Sparks, as Chairman of the Safety Committee at the mine, submitted a proposed settlement agreement in which the Respondent would pay an additional 2 hours pay to the withdrawn miners.

In a conference call on February 8, 1991, Mr. Sparks stated that the excessive methane was discovered by the company at about 6:00 p.m. on June 7, and the company ordered the men withdrawn before the Federal inspector issued his order. Some were out of the mine prior to the order and others were on their way out. Some of those withdrawn from underground continued working on the surface and were paid or will be paid for the time actually worked. Those who did not will be paid 2 hours in addition to the 4 hours pay they received under the union contract.

I have considered the settlement proposal and conclude that it effectuates the purposes of the Act.

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Accordingly, the settlement proposal is APPROVED, and, subject to the payment of the agreed to 2 hours additional pay to the miners withdrawn on the second shift, June 7, 1990, this proceeding is DISMISSED.

James A. Broderick  
Administrative Law Judge