

CCASE:
SOL (MSHA) v. AL HAMILTON
DDATE:
19910318
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5230 Leesburg Pike
Falls Church, Virginia 22041

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF WILLIAM MCDONALD,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. PENN 90-249-DM
PITT CD 90-24

v.

Hamilton Strip

AL HAMILTON CONTRACTING CO.,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Broderick

On March 14, 1991, the Secretary of Labor filed a motion to withdraw the complaint of discrimination filed on behalf of William McDonald.

On March 5, 1991, McDonald entered into a settlement agreement with Respondent by which Respondent agreed to post a notice at the mine that it would not discharge or otherwise discriminate against any miner in violation of the Mine Act. It also agreed to pay McDonald three days back pay with interest, to expunge any reference to the discipline imposed on McDonald involved in this proceeding from its personnel records and to pay a civil penalty of \$500. In return, McDonald agreed to withdraw his discrimination complaint.

I conclude that the motion and the settlement agreement effectuate the purposes of Section 104(c) of the Act and should be approved.

Accordingly, the motion is GRANTED, and, subject to the completion performance by the parties of the settlement agreement, this proceeding is DISMISSED.

James A. Broderick
Administrative Law Judge