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SOL (MSHA) V. SOUTH EAST 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  
CHARLES SCOTT HOWARD II,  
COMPLAINANT

DISCRIMINATION PROCEEDING  
Docket No. KENT 91-1352-D  
No. 404 Mine

v.

SOUTH EAST COAL COMPANY, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Melick

This case is before me upon a Complaint of Discrimination in which the Secretary has also filed a petition for assessment of civil penalty under the Federal Mine Safety and Health Act of 1977. The Complainant, Secretary has filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$1,500 to \$400 and payment of damages of \$327 to the individual Complainant, Charles Scott Howard, is proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay a civil penalty of \$400 to the Secretary of Labor and damages of \$327 to Charles Scott Howard, within 30 days of this order.

Gary Melick  
Administrative Law Judge