

CCASE:  
RICKY BAYS V. LEECO, INC.  
DDATE:  
19921021  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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FALLS CHURCH, VIRGINIA 22041

RICKY HAYS, : DISCRIMINATION PROCEEDING  
Complainant :  
v. : Docket No. KENT 90-59-D  
: MSHA Case No. BARB CD 89-32  
LEEEO, INC., :  
Respondent : No. 62 Mine

DECISION APPROVING SETTLEMENT  
and  
ORDER OF DISMISSAL

Before: Judge Koutras

Statement of the Case

This case is before the Commission on remand from the United States Court of Appeals for the District of Columbia Circuit, Leeco, Inc. v. Ricky Hays & FMSHRC, 965 F.2d 1081 (1992). On August 3, 1992, after the judgment of the Court remanding the case, counsel for complainant Ricky Hays filed a motion with the Commission requesting that the proceeding on remand be dismissed on the basis that "Hays and Leeco have entered into a settlement agreement of this matter". Thereafter, on September 22, 1992, the Commission remanded the matter to me with instructions to consider the motion to dismiss and, if necessary, for further proceedings consistent with the Court's opinion.

In his motion to dismiss, complainant's counsel stated that the parties have reached a full and final settlement of this litigation, including the matter of attorneys fees, and that their dispute has been fully resolved without the need for further court proceedings. Counsel further stated that the settlement agreement is confidential, and that since it fully resolves the matter, there is no need for the Commission to reconsider the matter. However, given the Commission's comments on remand that "Oversight of proposed settlements is an important aspect of the Commission's adjudicative responsibilities under the Mine Act and is, in general, committed to the Commission's sound discretion", and notwithstanding the confidentiality of the settlement, I issued an order directing the parties to file a copy of their settlement agreement with me for my in camera review and appropriate disposition.

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Discussion

The parties have complied with my Order and a copy of their settlement agreement has been filed for my in camera review. The complainant's counsel has confirmed that the parties have fully complied with the terms of the settlement agreement, and that the complainant Ricky Hays and the respondent Leeco, Inc., jointly request that I approve the settlement and dismiss this matter.

Conclusion

After careful review and consideration of the motion and supporting settlement agreement, I conclude and find that the settlement disposition is reasonable and in the public interest. Accordingly, the settlement disposition is APPROVED, and the motion to dismiss IS GRANTED.

ORDER

In view of the mutually agreeable settlement disposition of this case, this matter IS DISMISSED.

George A. Koutras  
Administrative Law Judge

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