

CCASE:  
SOL (DONALD BOWLING) V. PERRY TRANSPORT, INC.  
DDATE:  
19930506  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, 10th FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 92-1052-D
On Behalf of	:	
DONALD BOWLING,	:	Mine ID 15-13937 and
Complainant	:	15-13937 AFW
	:	
and	:	MSHA No. BARB CD 92-28
	:	
DONALD BOWLING,	:	
Intervenor	:	
	:	
v.	:	
	:	
PERRY TRANSPORT, INC.,	:	
A Corporation; STEVIE CALDWELL,	:	
TRUCKING, INC., a Corporation;	:	
and STEVIE CALDWELL,	:	
an Individual,	:	
Respondents	:	
	:	
	:	
SECRETARY OF LABOR,	:	Docket No. KENT 93-287-D
MINE SAFETY AND HEALTH	:	BARB CD-92-28
ADMINISTRATION (MSHA),	:	
On Behalf of	:	Surface Mine
DONALD R. BOWLING,	:	
Complainant	:	
	:	
v.	:	
	:	
PERRY TRANSPORT, INC.,	:	
DEWEY CRIGSBY, an Individual;	:	
STEVIE CALDWELL TRUCKING, INC.,	:	
a Corporation; STEVIE CALDWELL,	:	
an Individual; and LOST MOUNTAIN	:	
MINING COMPANY, a division of	:	
MCI MINING CORPORATION,	:	
Respondents	:	

DECISION APPROVING SETTLEMENT

Before: Judge Fauver

On September 10, 1992, the Secretary filed an action (Docket No. KENT 92-1052-D) on behalf of Donald R. Bowling alleging that

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Respondents violated 105(c) of the Federal Mine Safety and Health Act of 1977 and requesting that Mr. Bowling be temporarily reinstated to his former position pending a proceeding on his claim of discrimination.

On January 27, 1993, the Secretary filed an action (Docket No. KENT 93-287-D) on behalf of Donald R. Bowling alleging that Respondents violated 105(c) of the Federal Mine Safety and Health Act of 1977 and requesting, an inter alia, that Mr. Bowling be permanently reinstated to his former position.

The parties have moved for approval of a settlement designed to resolve all matters related to Mr. Bowling's claims in both of the above actions.

I have reviewed the documentation and representations submitted and find that the settlement is consistent with the purposes of 105(c) of the Act.

Accordingly, the motion for approval of settlement is GRANTED, and these proceedings are DISMISSED.

William Fauver  
Administrative Law Judge

Distribution:

Stephen D. Turow, Esq., Office of the Solicitor, U.S. Department of Labor, 4015 Wilson Boulevard, Suite 400, Arlington, VA 22203 (Certified Mail)

Sara Walter Combs, Esq., P. O. Box 828, Stanton, KY 40380 (Certified Mail)

Stanley R. Geary, Esq., R. Henry Moore, Esq., Buchanan Ingersoll, 600 Grant Street, 58th Floor, Pittsburgh, PA 15219-2887 (Certified Mail)

C. A. Noble, III, Esq., 3231 Combs Ferry Road, Lexington, KY 40509-9519 (Certified Mail)

Tony Oppeward, Esq., Appalachian Research & Defense Fund of Kentucky, 630 Maxwellton Court, Lexington, KY 40508 (Certified Mail)

Robert I. Cusick, Esq., Wyatt, Tarrant & Combs, Citizens Plaza, Louisville, KY 40202 (Certified Mail)

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