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NICHOLS RAMIREZ V. BEAR RUN COALS
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NICHOLAS RAMIREZ, : DISCRIMINATION PROCEEDING
Complainant :
v. : Docket No. WEVA 92-1115-D
:
BEAR RUN COALS, INCORPORATED, : HOPE CD 92-9
MR. DAVID "TOBY" TONEY, :
W-P COAL INCORPORATED, : Mine No. 21
Respondents :

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This proceeding concerns a complaint of alleged discrimination filed by the complainant against the respondent pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 815(c). The complainant alleges that he was laid off by the respondent on May 5, 1992, because he served as the miners' representative at the mine.

The case was scheduled for hearing in Logan, West Virginia, on October 26, 1993. However, the hearing was continued after the parties advised me that they agreed to settle the matter. They have now filed their joint settlement proposal pursuant to Commission Rule 31, 29 C.F.R. 2700.31, seeking approval of the proposed settlement.

Discussion

The parties have agreed to the resolution of all matters set forth in the complaint and have settled the matter. The terms of the settlement are set forth in an agreement executed by counsel for the respondents, and the complainant. All of the parties, including the complainant, have signed the agreement.

Conclusion

After careful review and consideration of the settlement terms and conditions I find that they reflect a reasonable resolution of the complaint and that the proposed settlement is in the public interest. Since it is apparent that all parties are in accord with the agreement for the settlement disposition of the complaint, I see no reason why it should not be approved.

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ORDER

The proposed settlement IS APPROVED. The parties ARE ORDERED AND DIRECTED to forthwith comply with all the terms of the agreement. Upon compliance, this matter is dismissed with prejudice.

George A. Koutras
Administrative Law Judge

Distribution:

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