

CCASE:  
SOL (MSHA) V. ENERGY WEST MINING  
DDATE:  
19940328  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
1244 SPEER BOULEVARD #280  
DENVER, CO 80204-3582  
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March 28, 1994

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 94-79-D
on behalf of	:	
WILLIAM H. CRANFORD,	:	Deer Creek Mine
Complainant	:	
	:	
v.	:	
	:	
ENERGY WEST MINING COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Morris

This case is a discrimination proceeding initiated by the Secretary of Labor on behalf of William H. Cranford against Respondent pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. (the "Act").

Prior to a hearing the Secretary filed a motion seeking to settle the case.

Under the terms of the motion Respondent has agreed as follows:

1. It will post a notice stating it understands Section 103(g) rights of all employees.
2. It will not harass or treat differently any employee who makes a Section 103(g) complaint or provides information to MSHA.
3. It agrees to remove Complainant's reprimand from any and all files.

The fourth paragraph of the settlement motion states "the Secretary agrees to waive the penalties proposed for Respondent's violation of Section 105(c) of the Act."

As to the above paragraph, Respondent states that it "did not commit and does not admit a violation of Section 105(c), but has entered into the proposed settlement solely to avoid the costs of

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further litigation and as a reasonable, good faith compromise of the dispute."

With the above clarification, Respondent fully supports the motion and requests that it be approved.

Finally, the agreement provides each party agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

I have reviewed the proposed settlement and discussed it with parties in a conference call on March 22, 1994. I further find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement agreement is APPROVED.
2. Respondent is ORDERED to COMPLY with the terms of the settlement agreement within 30 days of the date of this order.

John J. Morris  
Administrative Law Judge

Distribution:

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