

CCASE:
SOL (MSHA) V. LOY PETERS
DDATE:
19940916
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), :
ON BEHALF OF : Docket No. WEST 92-279-D
DONALD L. GREGORY, :
 :
LOY D. PETERS, : Docket No. WEST 92-280-D
 :
LOY D. PETERS, : Docket No. WEST 93-204-D
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LOY D. PETERS, : Docket No. WEST 94-392-D
DONALD L. GREGORY, :
AND DARRYL ANDERSON, :
 :
Complainant, :
 :
 :
v. :
 :
THUNDER BASIN COAL COMPANY, : Black Thunder Mine
Respondent :

DECISION APPROVING SETTLEMENT

The parties have filed a stipulation of settlement resolving all of the above-styled discrimination complaints filed under section 105(c) of the Act. I have reviewed the stipulation and conclude that it is consistent with the purposes of section 105(c). Therefore, it is ORDERED:

- 1) that within 20 days of this order Respondent tender to Loy Peters, Donald Gregory and Darryl Anderson all sums due under this agreement and the waiver and release executed by the complainants and the Respondent in accordance with the terms thereof;
- 2) Upon receipt of the sums noted above complainants waive permanent reinstatement and resign from their temporary positions;
- 3) Respondent shall expunge from the employment record of each complainant any adverse references to their

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discharge or any matter surrounding the walkaround designation or the reduction in force at Thunder Basin Coal Company;

4) that within 30 days of this order Respondent shall pay a civil penalty to MSHA in the amount of \$7,500.

Arthur J. Amchan
Administrative Law Judge
703-756-6210

Distribution:

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