

CCASE:  
SOL (MSHA) & W.C. YOUNG, JR. V. F&E ERECTION CO.  
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
1244 SPEER BOULEVARD #280  
DENVER, CO 80204-3582  
(303) 844-5266/FAX (303) 844-5268

October 17, 1994

SECRETARY OF LABOR,	:	TEMPORARY REINSTATEMENT
MINE SAFETY AND HEALTH	:	PROCEEDING
ADMINISTRATION (MSHA),	:	
on behalf of WILLIAM C.	:	Docket No. WEST 94-390-D
YOUNG, JR.,	:	DENV CD 93-17
Complainant	:	
	:	
v.	:	Caballo Rojo Mine
	:	
F&E ERECTION COMPANY,	:	
Respondent	:	
	:	
SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 94-430-D
on behalf of WILLIAM C.	:	DENV CD 93-17
YOUNG, JR.,	:	
Complainant	:	Caballo Rojo Mine
	:	
v.	:	
	:	
F&E ERECTION COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT  
ORDER TO PAY

Before: Judge Cetti

The Stay Order of May 13, 1994, in Docket No. WEST 94-390-D is lifted.

The above-captioned discrimination and reinstatement proceedings are consolidated for evaluation and disposition. Both cases were filed by the Secretary of Labor on behalf of William C. Young, Jr., pursuant to Section 105(c)(2) of the Federal Mine Safety and Health Act of 1977, against F&E Erection Company.

The Secretary alleges in the complaints that Mr. Young was engaged in protected activity under the Mine Act, at the Caballo Rojo Mine when he was wrongfully discharged on July 2, 1993. F&E Erection Company filed a timely answer denying that it violated Section 105(c) of the Mine Act.

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The parties now have reached a settlement resolving all issues in these cases. Under the terms of the settlement agreement, F&E Erection has agreed to pay to Mr. Young five thousand dollars (\$5,000) for back wages, less any reductions required by law to be withheld for taxes. In addition, F&E Erection will pay Mr. Young the sum of fifteen thousand dollars (\$15,000) for his damages, including pain and suffering and emotional distress.

In consideration of the payment of twenty-thousand dollars (\$20,000) in back wages and damages, Mr. Young waives his right to reinstatement and reemployment by F&E Erection and has signed a general release.

F&E Erection agrees to pay a civil penalty of two thousand five hundred dollars (\$2500) to the Secretary of Labor to settle the alleged violation of Section 105(c) of the Act.

I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate.

WHEREFORE, the motion for approval of settlement is GRANTED. Accordingly, Respondent is directed to pay the agreed settlement amounts to William C. Young, Jr. and to pay a civil penalty in Docket No. WEST 94-430-D of \$2,500 to the Secretary of Labor within 30 days of this decision. Both above-captioned proceedings, upon full compliance with the terms of the approved settlement agreement, are DISMISSED.

August F. Cetti  
Administrative Law Judge

Distribution:

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