

CCASE:  
SOL (MSHA) V. NARROWS BRANCH COAL INC.  
DDATE:  
19941020  
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,	:	TEMPORARY REINSTATEMENT
MINE SAFETY AND HEALTH	:	PROCEEDING
ADMINISTRATION (MSHA)	:	DISCRIMINATION PROCEEDING
on behalf of ROBERT HARLOW,	:	CIVIL PENALTY PROCEEDING
Complainant	:	
v.	:	Docket No. KENT 94-1327-D
	:	MSHA Case No. PIKE CD 94-04
NARROWS BRANCH COAL, INC.,	:	
Respondent	:	No. 1 Mine

DECISION APPROVING SETTLEMENT

Appearances: Susan Foster, Esq., MaryBeth Bernui, Esq.,  
Office of the Solicitor, U.S. Department of  
Labor, Nashville, Tennessee, for the Complainant;  
Billy Shelton, Esq., Baird, Baird, Baird & Jones,  
P.S.C., Pikeville, Kentucky, for the Respondent.

Before: Judge Melick

These consolidated cases are before me upon an Application for Temporary Reinstatement, a Complaint of Discrimination and a Petition for Assessment of Civil Penalty under the Federal Mine Safety and Health Act of 1977 (the Act). At hearing, the parties filed a motion to approve a settlement agreement in which Respondent agreed to reinstate the individual complainant, Robert Harlow, to pay him back pay and interest for lost work and to pay a civil penalty of \$1,000. The Secretary and Mr. Harlow agreed to the terms of settlement on the record. I have considered the representations and documentation submitted in these cases, and I conclude that the proffered settlement is acceptable.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$1,000 within 60 days of this order. Respondent is further ordered to reinstate Robert Harlow and pay Harlow damages, including back pay and interest, in accordance with the terms of the settlement agreement.

Gary Melick  
Administrative Law Judge

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Distribution:

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