

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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December 8, 2010

CHARLES SCOTT HOWARD,	:	DISCRIMINATION PROCEEDING
Complainant	:	
	:	Docket No. KENT 2008-736-D
v.	:	BARB CD 2007-11
	:	
	:	
	:	
CUMBERLAND RIVER COAL COMPANY,	:	Mine ID: 15-18705
Respondent	:	Mine: Band Mill No. 2

**ORDER APPROVING SETTLEMENT**

This matter is before me on Complainant's request for attorneys fees following a favorable decision issued on August 13, 2010 in accordance with the provisions of section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (Mine Act) and 29 C.F.R. 2700.50 *et seq.* The parties have filed a joint motion to approve settlement.

I accept the representations and the agreements of the parties as set forth in the motion to approve settlement. I have considered the representations and documentation submitted, find that the proposed settlement is appropriate under the Act. The motion to approve settlement is **GRANTED**, and Cumberland River Coal Company is hereby **ORDERED** to pay, within 40 days of the date of this decision, on behalf of Respondent, Charles Scott Howard, one check in the amount of \$124,174.00 made payable to Tony Opegard and one check in the amount of \$31,221.00 made payable to Appalachian Citizens Law Center at the addresses listed in the motion. All other terms of the settlement agreement are hereby incorporated into this order.

Margaret A. Miller  
Administrative Law Judge

Distribution: (U.S. First Class Mail)

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