

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W. Suite 9500  
Washington, DC 20001-2021

October 16, 2002

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 2000-39-D
on behalf of Terry McGill,	:	BIRM CD 99-04
Complainant	:	
	:	
v.	:	
	:	Oak Grove Mine
U.S. STEEL MINING COMPANY, LLC.,	:	Mine ID 01-00851
Respondent	:	

**DECISION APPROVING SETTLEMENT**  
**AND**  
**ORDER OF DISMISSAL**

Before: Judge Weisberger

This Discrimination Proceeding is before me based upon a decision of the Commission, 23 FMSHRC 981, remanding the case to me for further proceedings consistent with its decision. Upon receipt of the decision, the undersigned contacted the parties to explore the possibility of resolving by way of settlement, the issues raised by the Commission's decision. The parties engaged in extensive and protracted negotiations, and, on October 4, 2002, filed a joint motion to approve settlement.

I find that the terms of the settlement are appropriate under the terms of the Federal Mine Safety and Health Act and I approve it. I therefore grant the motion to approve settlement.

It is **Ordered** that the parties abide by all terms of the settlement; that Respondent will pay to Mr. McGill the amount of \$200.00 for expenses that arose from Respondent's termination of his employment and \$42.00 as interest on these expenses; that Respondent will forward a check or money order in the amount of \$242.00 payable to Terry McGill to the office of the Solicitor, 61 Forsyth Street, Room 7T10, Atlanta, Georgia 30303, within 30 days of this Order; that the Office of the Solicitor will forward the check to Mr. McGill; and that Respondent shall pay \$2,500.00 in full

settlement of the civil money penalty sought by the Secretary in this matter. Such payment shall be made within 30 days of this decision. It is **Further Ordered** that this case be **Dismissed**.

Avram Weisberger  
Administrative Law Judge

Distribution List:

Larry A. Auerbach, Esq., Office of the Solicitor, U.S. Department of Labor, 61 Forsyth Street, N.W., Atlanta, Georgia, 30303

Anthony Jeselnik, Esq., U.S. Steel Mining Company, Law Department, 600 Grant Street, Pittsburgh, PA 15219-2749

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