

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

July 25, 1995

JAMES D. WATERS, : DISCRIMINATION PROCEEDING
Complainant :
v. : Docket No. CENT 93-261-DM
: MSHA Case No. SE MD 93-04
IMC FERTILIZER, INC., :
Respondent : Carlsbad Facility

ORDER OF DISMISSAL

Appearances: David W. Strickler, Esq., and W.T. Martin, Jr.,
Esq., Law Offices of W.T. Martin, Jr., P.A.,
Carlsbad, New Mexico, for Complainant;
Charles C. High, Jr., Esq., Kemp, Smith, Duncan &
Hammond, El Paso, Texas, for Respondent.

Before: Judge Fauver

This is a discrimination action under ' 105(c) of the
Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' 801
et seq.

After the hearing, a decision on liability was entered on
December 5, 1994.

A separate hearing on relief was held at El Paso, Texas, on
May 9, 1995. On the second day of the hearing, the parties
reached a settlement agreement that was approved by the judge.

Pursuant to the settlement agreement, the parties have moved
to dismiss the case.

ORDER

WHEREFORE IT IS ORDERED that the parties' motion to dismiss is **GRANTED** and this proceeding is DISMISSED.

William Fauver
Administrative Law Judge

Distribution:

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