FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, Suite 1000
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

February 5, 1998

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	Docket No. KENT 94-1274-D
on behalf of CHARLES H. DIXON,	:	MSHA Case No. PIKE CD 94-16
BERNARD EVANS, RICHARD	:	
GLOVER, EDGAR OLDHAM,	:	Mine ID No. 15-09571
MARK MARCH, DON RILEY,	:	Pontiki No. 1 Mine
CHARLES JOHNSON AND ELEVEN	:	
(11) UNAMED EMPLOYEES OF	:	
PONTIKI COAL CORPORATION	:	
Complainant	:	
	:	
v.	:	
	:	
PONTIKI COAL CORPORATION	:	
Respondent	:	

ORDER LIFTING STAY / DECISION APPROVING SETTLEMENT

Before: Judge Melick

      This case is before me upon a complaint of discrimination under Section 105(c) of the Federal Mine Safety and Health Act of 1977 (the Act) in which the Secretary also seeks a civil penalty of $1,500.00. The Secretary has filed a motion to approve a settlement agreement and to dismiss the case. Respondent has agreed to pay the proposed civil penalty of $1,500.00, in full. I have considered the representations and documentation submitted in this case, including Respondent≤s agreement to allow a non-employee, union member to be designated and serve as a miner≤s representative for purposes of MSHA inspections at a non-union mine, and I conclude that the proffered settlement is acceptable under the criteria set forth in Section 110(i) of the Act.

      WHEREFORE, the stay order issued July 25, 1997, is hereby LIFTED, the motion for approval of settlement is GRANTED, and is ORDERED that Respondent pay a penalty of $1,500.00, within 30 days of this order.

                        Gary Melick
                        Administrative Law Judge
                        703-756-6261

Distribution:

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