

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

September 7, 1995

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	Docket No. KENT 95-515-D
on behalf of	:	MSHA Case No. PIKE CD 95-03
ROBERT ROBINETTE,	:	
Complainant	:	Tall Timber Mine
v.	:	I.D. No. 15-13720
	:	
RAWL SALES AND PROCESSING CO.,	:	
Respondent	:	
	:	
SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	Docket No. KENT 95-516-D
on behalf of DANA HAGER,	:	MSHA Case No. PIKE CD 95-04
Complainant	:	
v.	:	Tall Timber Mine
	:	I.D. No. 15-13720
	:	
RAWL SALES AND PROCESSING CO.,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Amchan

These cases are before me pursuant to section 105 of the Federal Mine Safety and Health Act. As the Complainants have already been reinstated with full backpay and benefits, the parties have filed a motion to approve settlement and to dismiss the cases based on a reduction in the proposed civil penalties for the alleged discriminatory conduct. The terms of the settlement are that the total penalties for these matters have been reduced from \$18,000 to \$10,000. I have reviewed the settlement and conclude that it is consistent with the purposes of the Act.

ORDER

The parties' motion for approval of settlement is **GRANTED**. Respondent shall pay the \$10,000 in civil penalties within

30 days of this order. Thereupon, these cases are dismissed.

Arthur J. Amchan
Administrative Law Judge

Distribution:

Susan E. Foster, Esq., Office of the Solicitor,
U.S. Department of Labor, 2002 Richard Jones Road,
Suite B-201, Nashville, TN 37215-2862

Mark A. Toor, Esq., for Rawl Sales & Processing Co.,
A.T. Massey Coal Co., Inc., P.O. Box 26765, Richmond,
VA 23261

Tony Oppegard, Esq., Mine Safety Project of the Appalachian
Research & Defense Fund of Kentucky, 630 Maxwelton Court,
Lexington, KY 40508

/lh