

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

March 19, 1999

DARRELL M. PERRY,	:	DISCRIMINATION PROCEEDING
Complainant	:	
v.	:	Docket No. KENT 98-318-D
	:	
HUSKY COAL COMPANY, INC.,	:	Pike CD 98-12
Respondent	:	
	:	Mine No. 8
	:	Mine ID 15-17839

## DECISION

Appearances: Stephen Sanders, Esq., Appalachian Research and Defense Fund of Kentucky, Inc., Prestonsburg, Kentucky, and James J. Barrett, Esq., Pillersdorf, Derossett and Barrett, Prestonsburg, Kentucky, for Complainant; David C. Stratton, Esq., Stratton, Hogg & Maddox, P.S.C., Pikeville, Kentucky, for Respondent.

Before: Judge Weisberger

This case is before me based on a Complaint filed by Darrell M. Perry alleging that Husky Coal Company discriminated against him in violation of section 105 of the Federal Mine Safety and Health Act of 1977. The matter was scheduled for hearing, and was partially heard on February 23, 1999.

On February 23, 1999, during a recess, the parties advised that they had reached a settlement of this matter, and the Complainant made a motion to approve the settlement and dismiss the case. The parties presented the terms of the settlement on the record. After due consideration, the motion was granted as follows, with the exception of minor changes not of a substantive nature.

The parties divulged to me all the terms of the settlement and taking into account the terms of the settlement and the entire record, including the testimony presented this morning, I find that the settlement is a fair resolution of the issues presented in this case and also is consistent with the terms of the Federal Mine Safety and Health Act of 1977.

**ORDER**

I therefore accept the settlement and grant the motion. It is **ORDERED** as follows:

1. That the record in this case shall be **SEALED**.

2. It is further **ORDERED** that the parties in this case shall abide by all of the terms of the settlement.

Avram Weisberger  
Administrative Law Judge

Distribution:

Stephen A. Sanders, Esq., Appalachian Research and Defense Fund of Kentucky, Inc., 120 North Front Avenue, Prestonsburg, KY 41653-1221 (Certified Mail)

James J. Barrett, Esq., Pillersdorf, Derossett and Barrett, 18 West Court Street, Prestonsburg, KY 41653 (Certified Mail)

David C. Stratton, Esq., Stratton, Hogg & Maddox, P.S.C., P. O. Box 1530, Pikeville, KY 41502-1530 (Certified Mail)

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