

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

June 16, 1999

SECRETARY OF LABOR	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. LAKE 94-704-D
on behalf of KENNETH HANNAH,	:	
PHILLIP J. PAYNE and FLOYD MEZO,	:	MSHA Case No. VINC CD 94-07
Complainants	:	Mine ID No. 11-00601
v.	:	
	:	
CONSOLIDATION COAL COMPANY,	:	
Respondent	:	Rend Lake Mine

DECISION APPROVING SETTLEMENT

Before: Judge Melick

This case is before me upon a Complaint of Discrimination and a Petition for Assessment of Civil Penalty under Sections 105(c) and 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner has filed a motion to approve a settlement agreement and to dismiss the case. The terms of settlement include back pay and interest, expungement from personnel records of references to the incident at issue, an agreed posting and payment of a \$500.00 civil penalty. I have considered the representations and documentation submitted in this case, and I concluded that the proffered settlement is acceptable.

WHEREFORE, the motion for approval of settlement is **GRANTED**, and it is **ORDERED** that the parties comply with all the terms of the settlement within 40 days of this order. Under the circumstances this case is dismissed.

Gary Melick
Administrative Law Judge
703-756-6261

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