

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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July 17, 1995

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 95-73-D
on behalf of	:	MSHA Case No. PITT CD 94-04
RANDY CUNNINGHAM,	:	
Complainant	:	Dilworth Mine
v.	:	Mine I.D. No. 36-04281
	:	
CONSOLIDATION COAL COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Amchan

This case is before me pursuant to a discrimination complaint filed pursuant to section 105(c) of the Act. The Secretary has filed a motion to withdraw the discrimination complaint and to dismiss the proposed civil penalty. I have construed this motion as one requesting approval of a settlement agreement. The motion is granted.

Mr. Cunningham filed a complaint with MSHA alleging that he was not paid for an hour during which he served as a walkaround representative during an MSHA inspection. Respondent has agreed to pay him for this hour and the Secretary has agreed to withdraw its proposed civil penalty.

I conclude this agreement is consistent with the Act. I therefore grant the Secretary's motion and dismiss this case.

Arthur J. Amchan
Administrative Law Judge

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