

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

December 2, 1997

MATTHEW J. MATICS,	:	DISCRIMINATION PROCEEDING
Complainant	:	
v.	:	Docket No. WEVA 97-144-D
	:	MSHA Case No. HOPE CD 97-07
COALFIELD SERVICES, INC.,	:	
Respondent	:	Mine ID No. 46-08436
	:	Upper Big Branch South Mine

DECISION

Appearances: Matthew J. Matics, Handley, West Virginia, pro se;
E. Forrest Jones, Jr., Esq., Albertson & Jones, Charleston,
West Virginia, on behalf of Respondent.

Before: Judge Bulluck

This case concerns a discrimination proceeding filed pursuant to Section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' 815 (c)(3). Matthew J. Matics alleges that he was unlawfully laid off by Coalfield Services in October 1996, and seeks reinstatement to his job and backpay.

A hearing on the merits was convened on October 28, 1997, in Charleston, West Virginia. At the hearing, the parties entered into a settlement agreement whereby Coalfield Services agreed to pay to Matics the sum of \$4,000.00, and Matics agreed to withdraw his discrimination complaint. The settlement was accepted at hearing. That determination is hereby confirmed. Coalfield Services has provided documentation that, in accordance with the settlement agreement, it has paid Matics \$4,000.00.

ORDER

The settlement is appropriate and is in the public interest. **WHEREFORE**, the approval of settlement and withdrawal of discrimination complaint are **GRANTED**, and Coalfield Services having fully complied with the terms of the settlement, this proceedings is **DISMISSED**.

Jacqueline R. Bulluck
Administrative Law Judge

Distribution:

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Mr. Chris Aker, Superintendent, Coalfield Services, Inc., Rt. 2, P.O. Box 365, Wytheville, VA
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