

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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April 22, 2002

MIKE FLETCHER,	:	DISCRIMINATION PROCEEDING
Complainant	:	
	:	Docket No. WEST 2001-150-DM
	:	WE MD 00-11
	:	
v.	:	
	:	Portable Crusher #1
MORRILL ASPHALT PAVING,	:	Mine I.D. 45-03357
Respondent	:	

FINAL DECISION
ORDER OF DISMISSAL

Appearances: Larry Larson, Esq., Lukins & Annis, Moses Lake, Washington, for Complainant;
Lewis L. Ellsworth, Esq., Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, Tacoma, Washington, for Respondent.

Before: Judge Manning

This case is before me on a complaint of discrimination brought by Mike Fletcher against Morrill Asphalt Paving (“Morrill”) under section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c)(3) (the “Mine Act”). An evidentiary hearing was held in Wenatchee, Washington. On February 22, 2002, I entered my decision on the merits finding that Morrill discriminated against Fletcher in violation of the Mine Act. 24 FMSHRC 232. I directed the parties to confer and attempt to reach agreement on the relief to be awarded Fletcher. Fletcher did not seek reinstatement, but sought back pay through November 14, 2000, when the crusher was shut down. After having conferred, the parties reached agreement on all outstanding relief issues. On April 18, 2002, Fletcher filed a motion to dismiss this proceeding on the basis that he received the monetary settlement from Morrill that the parties agreed upon. The motion to dismiss is signed by Mr. Fletcher and his counsel.

ORDER

Settlement of this case to the satisfaction of Mr. Fletcher is in the public interest and it complies with the requirements of the Mine Act. Because Morrill fully satisfied the terms of the parties' agreed upon settlement, the motion to dismiss is **GRANTED** and this proceeding is **DISMISSED**.

Richard W. Manning
Administrative Law Judge

Distribution:

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RWM