

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Avenue, N.W., Suite 9500
Washington, DC 20001

August 20, 2003

JAMES WOMACK,	:	DISCRIMINATION PROCEEDING
Complainant	:	
	:	
	:	Docket No. WEST 2002-138-DM
v.	:	WE MD 01-17
	:	
GRAYMONT WESTERN US,	:	
Respondent	:	Tacoma Plant
	:	Mine ID 45-03290

SUPPLEMENTAL DECISION

AND

FINAL ORDER APPROVING SETTLEMENT

Appearances: James Womack, *pro se*, Tacoma, Washington, for the Complainant;
Robert Leinwand, Esq., Stole Rives, LLP, Portland, Oregon, for the Respondent.

Before: Judge Feldman

This case is before me based on a discrimination complaint filed pursuant to section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 815(c)(3) (1994) (the “Act”), by James Womack against Graymont Western US Inc. (“Graymont”). Following an evidentiary hearing, it was determined that Graymont’s termination of Womack’s employment violated section 105(c) of the Act. *Decision on Liability*, 25 FMSHRC 235 (May 2003) (ALJ). After filing proposals for relief, the parties agreed to settle this matter. On July 8, 2003, the parties filed a joint stipulated motion for approval of the terms of their settlement agreement. The parties agreed that the provisions of their agreement shall remain confidential.

On July 17, 2003, I issued an *Interim Decision Approving Settlement*. The *Interim Decision* specified that this matter would be dismissed upon a demonstration that the parties had substantially performed the terms of their agreement. On August 4, 2003, I received documentation of substantial performance.

ACCORDINGLY, the parties' motion for approval of settlement **IS GRANTED**. Pursuant to the parties' agreement, the terms and conditions of the settlement **ARE DECLARED CONFIDENTIAL**. The settlement **IS ORDERED PLACED UNDER SEAL** subject to review only by the Commission or other appellate body. In view of the settlement, this discrimination matter **IS DISMISSED** with prejudice.

Jerold Feldman
Administrative Law Judge

Distribution: (Certified Mail)

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/hs