

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

July 17, 2003

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

INTERIM DECISION 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 on December 14, 2001, pursuant to section 105(c)(3) of the Federal Mine Safety and Health Act of 1977 (the "Act"), 30 U.S.C. § 815(c)(3) (1994). The complaint was filed 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). The parties were directed to agree on the specific relief that should be awarded, or, alternatively, to file documentation in support of their separate proposals for relief. After filing proposals for relief, the parties agreed to settle this matter. On July 8, 2003, the parties filed a joint motion seeking approval of the terms of their settlement agreement.

The settlement agreement contains provisions concerning the withdrawal of the discrimination complaint, re-employment rights, consideration, release of claims and other agreements the parties wish to remain confidential. I have reviewed the settlement terms and I conclude the parties' agreement is reasonable and in the public interest.

ACCORDINGLY, the parties' motion for approval of settlement **SHALL BE GRANTED** upon a demonstration that the parties have substantially performed the terms of their agreement. Performance shall be completed within thirty (30) days of the date of this Interim Decision. Upon receipt of documentation of substantial performance, a Final Order will be issued dismissing this matter.

Jerold Feldman
Administrative Law Judge

Distribution: (Certified Mail)

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