

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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September 17, 2025

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA)
on behalf of TIMOTHY BARNES

Docket No. SE 2021-0152

v.

WARRIOR MET COAL MINING, LLC

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA)
on behalf of BRANDON HALL

Docket No. SE 2021-0155

v.

WARRIOR MET COAL MINING, LLC

BEFORE: Jordan, Chair; Baker and Marvit, Commissioners

DECISION APPROVING SETTLEMENT

BY THE COMMISSION:

These proceedings arise under section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c) (2024) (“Act” or “Mine Act”). They involve complaints of discrimination and interference filed by Timothy Barnes and Brandon Hall (“Complainants”) against Warrior Met Coal Mining, LLC (“Warrior Met”) pursuant to section 105(c)(2) of the Mine Act.¹

¹ Section 105(c)(1) of the Mine Act provides in relevant part that “[n]o person shall discharge or in any manner discriminate against . . . or otherwise interfere with the exercise of statutory rights of any miner . . . because of the exercise by such miner . . . of any statutory right afforded by this Act.” 30 U.S.C. § 815(c)(1).

Under section 105(c)(2) of the Act, a miner may file a complaint with the Secretary of Labor alleging discrimination or interference in violation of section 105(c)(1), and the Secretary is required to investigate the complaint. If, upon such investigation, the Secretary determines

On January 10, 2025, after a hearing on the merits, a Commission Administrative Law Judge issued a joint decision and order holding that Warrior Met had discriminated against the Complainants in violation of section 105(c) of the Mine Act. 47 FMSHRC 40 (Jan. 2025) (ALJ).

The Judge ordered that Warrior Met reinstate Mr. Hall to the position he would have held but for the discharge, or to a similar position, at the same rate of pay, same shift assignment, and with the same or equivalent duties, and awarded backpay in the amount of \$24,711.65. He awarded Mr. Barnes backpay in the amount of \$22,320.20. Both miners were to be paid quarterly interest at the Federal underpayment rate through the date of payment to them. The Judge assessed civil penalties in the sum of \$40,000 (\$20,000 for each violation) against the operator for the two section 105(c) violations. Finally, the Judge ordered Warrior Met to completely expunge all references to the circumstances involved in this matter from Hall's and Barnes' employment records and required all members of Warrior Met's management personnel to participate in a training course on the rights protected under section 105(c) of the Mine Act.

Warrior Met subsequently filed a petition for discretionary review of the Judge's decision. On February 13, 2025, the Commission issued a direction for review, granting the petition. On March 10, 2025, to provide the parties with additional time to reach a potential settlement of the cases, the Commission granted Warrior Met's unopposed motion for a forty-five-day extension of time to file its opening brief.


After previously being granted a 45-day extension to reach settlement, on May 6, 2025, the Secretary of Labor filed an unopposed motion to suspend the briefing schedule and hold this appeal in abeyance while the parties continued their settlement discussions. The Commission issued an order granting the motion on July 3, 2025.² On August 22, 2025, the Secretary filed an unopposed motion to approve settlement agreement in these discrimination proceedings.

The Commission has previously provided oversight of proposed settlements in discrimination cases. *See, e.g., Sec'y on behalf of Maxey v. Leeco, Inc.*, 20 FMSHRC 707, 707 (July 1998) (citing *Sec'y on behalf of Hopkins v. ASARCO, Inc.*, 19 FMSHRC 1, 2 (Jan. 1997); *Reid v. Kiah Creek Mining Co.*, 15 FMSHRC 390 (Mar. 1993); *Sec'y on behalf of Gabossi v. Western Fuels-Utah, Inc.*, 11 FMSHRC 134, 135 (Feb. 1989); *Sec'y on behalf of Corbin v. Sugartree Corp.*, 9 FMSHRC 197, 198 (Feb. 1987)); *see also Wilson, Greenwell and Shemwell v. Armstrong Coal Co., Inc.*, 40 FMSHRC 973, 974 (July 2018).

that a violation has occurred, the Secretary is required to file a complaint on behalf of the miner with the Commission. 30 U.S.C. § 815(c)(2).

² Despite the Commission's July 3, 2025 Order, the parties erroneously state that the Secretary's unopposed motion to suspend the briefing schedule and hold the appeal in abeyance remained pending at the time of filing the motion for settlement on August 25, 2025. Sec'y's Unopposed Motion to Approve Settlement Agreement at 3.

Having reviewed the terms of the proposed settlement agreement, the Commission grants the parties' motion for approval of settlement. Warrior Met is hereby ordered to make monetary payments to Complainants in accordance with the terms of the Settlement Agreement within 30 days of the date of this decision, as well as meet the remaining non-monetary terms of the settlement as agreed upon by the parties. Warrior Met is further ordered to pay civil penalties totaling \$6,000 to the Secretary of Labor within 30 days of the date of this decision. Payment of the penalties should be made electronically at Pay.Gov, a service of the U.S. Department of the Treasury at <https://www.pay.gov/public/form/start/67564508>. These proceedings are dismissed.


Mary Lu Jordan, Chair


Timothy J. Baker, Commissioner


Moshe Z. Marvit, Commissioner

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