

CCASE:
WARREN ROSE V. CUNNINGHAM SAND & GRAVEL
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

WARREN ROSE,
COMPLAINANT

DISCRIMINATION PROCEEDING

v.

Docket No. WEST 90-142-DM
WE-MD 90-04

CUNNINGHAM SAND & GRAVEL,
RESPONDENT

Crestline Pit

DECISION

Appearances: Michael D. Kinkley, Esq., Spokane, Washington,
for Complainant;
Thomas W. McLane, Esq., PAINE, HAMBLIN, COFFIN,
BROOKE & MILLER, Spokane, Washington,
for Respondent.

Before: Judge Lasher

This matter was initiated by the filing of a complaint by Warren Rose on March 16, 1990, pursuant to Section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. (herein "the Act").

Following completion of formal hearing in this matter in August 1990, the parties reached an amicable resolution of the matter reflected in a "Release in Full" duly executed by the individual Complainant and his wife and respondent. A copy of this agreement is contained in the Commission's case file, clearly showing the parties' intent to terminate the litigation of this matter, and calling for dismissal of this proceeding with prejudice, without costs or attorneys' fees to either party.

Accordingly, this matter, having been voluntarily resolved by the parties in a reasonable and proper manner, their agreement is APPROVED and this proceeding is DISMISSED WITH PREJUDICE.

Michael A. Lasher, Jr.
Administrative Law Judge