

CCASE:
SOL (MSHA) V. R.B.S., INCORPORATED
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR, : DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEVA 93-89-DM
on behalf of Paul H. Brooks, :
Complainant : NE MD 92-03
v. :
 : Greystone Quarry and Plant
R.B.S., INCORPORATED, :
Contestant :

ORDER APPROVING SETTLEMENT

Before: Judge Barbour

The Secretary, on behalf of Paul H. Brooks, Complainant, has moved to approve settlement of this discrimination proceeding. The Secretary's motion fully sets forth the terms on conditions of the settlement, including the fact that the Secretary requests no civil penalty be assessed against R.B.S., Incorporated, Contestant, because the evidence at trial may not establish that the complainant adequately communicated his legitimate safety concerns to the Contestant and thus a violation of section 105(c) of the Act may not have occurred.

Obviously, the Complainant, who has signed the motion, believed the proposed settlement is in his best interest, and I conclude that it is in the public interest as well. It resolves allegation of discrimination as set forth in the Secretary's complaint and, that being the case there is no further reason for the parties to contest this case.

ACCORDINGLY, the settlement is APPROVED. This matter is DISMISSED.

David Barbour
Administrative Law Judge
(703)756-5232

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