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SOL (MSHA) V. BETH-ELKHORN
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
TEDDY W. BENTLEY,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. KENT 84-157-D
No. 26 Mine

BETH-ELKHORN CORPORATION,
RESPONDENT

ORDER OF DISMISSAL
DECISION APPROVING SETTLEMENT

This is a discrimination case brought by the Secretary on behalf of Teddy W. Bentley. On May 29, 1984, the Solicitor filed a motion to withdraw the complaint, explaining in detail a settlement agreement reached by the parties. Attached to the Solicitor's motion is a statement signed by Mr. Bentley that he voluntarily entered into the settlement and authorized the Solicitor to withdraw this complaint.

In addition, the Solicitor and the operator have moved for approval of a civil penalty settlement in the amount of \$100.

I have reviewed the Solicitor's comprehensive motion to withdraw. It is Granted and the complaint is Dismissed.

I have also reviewed the settlement motion and in light of unusual circumstances set forth therein, determine it proper. The parties' request to delete the last sentence of the penultimate paragraph of the settlement motion is Granted. The settlement motion is Approved and the operator is Ordered to pay \$100 within 30 days from the date of the decision.

Paul Merlin
Chief Administrative Law Judge