

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR
WASHINGTON, D.C. 20006

19 JUN 1980

JOHNNY HOWARD, : Complaint of Discharge, **Discrimination**, or Interference
Applicant :
v. :
MARTIN-MARIETTA CORPORATION, : Docket No. SE **80-24-DM**
Respondent : MD 79-93

ORDER OF DEFAULT

On November 7, 1979 the Applicant filed a complaint alleging discriminatory acts based on § 105(c) of the Federal Mine Safety and Health Act of 1977. According to § 2700.43 of the procedural rules of the Commission, Respondent is required to answer within 30 days after receipt of the complaint. No such answer was received. On March 26, 1980, an order was issued to Respondent to show cause why the relief requested in the complaint should not be granted. No response has been received.

Therefore, it is ORDERED that Respondent is deemed to have admitted the alleged acts of discrimination. It is further ORDERED that the Applicant be restored to his former position with **backpay** and interest, and that Respondent compensate the Applicant for all costs and expenses (including attorney's fees) reasonably incurred by the Applicant.


James A. Broderick
Chief Administrative Law Judge

Distribution: By certified mail

Assistant Solicitor, U.S. Department of Labor, 4015 Wilson Blvd.,
Arlington, VA 22203

Special Investigation, MSHA, U.S. Department of Labor, 4015 Wilson
Blvd., Arlington, VA 22203

Nathan Kaminski, Jr., Esq., Schneider & O'Donnell, Attorneys for
Mr. Johnny Howard, 601 Front Street, P.O. Box 662, Georgetown, SC
29440

Martin-Marietta Corporation, P.O. Box 1160, Columbus, OH 43216