

CCASE:

MARK SEGEDI v. BETHLEHEM MINES

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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

MARK SEGEDI,
ON BEHALF OF:
S. J. EZARIK, ET AL.,
COMPLAINANTS
v.
BETHLEHEM MINES CORPORATION,
RESPONDENT

Application for Review
of Discrimination
Docket No. PENN 80-273-D
Somerset No. 60 Mine

ORDER OF AMENDMENT

On March 31, 1981, a document styled "Decision" was issued in the above-captioned case. The Decision contained an order divided into eight parts, denominated Parts A through H. In Part G of the order, the undersigned Administrative Law Judge retained jurisdiction of the above-captioned proceeding for the purpose of assessing against the Respondent a sum equal to the aggregate amount of all costs and expenses, including attorney's fees, reasonably incurred by those Complainants identified in Part B of the order in connection with the proceeding. In view of the retention of jurisdiction, Parts A, D, and E of the order are herewith AMENDED to read as follows:

A. IT IS ORDERED that the above-captioned proceeding be DISMISSED as to those Complainants who were scheduled to begin work at 8:15 a.m. on January 30, 1980. Such Complainants are identified as B. G. Miller; R. Filby; D. W. Clark; C. J. Zukauckas; S. A. Jestat; T. L. Pysh; R. T. Harris; D. Phillips; G. R. Wheeler; C. J. Rocco; S. Durko, Jr.; L. T. Pruski; J. R. Kennedy; R. T. Rados; J. E. Karpoff; M. Toth; J. E. Timlin; H. W. Ambrosy; G. A. Dean; and G. S. McKeta. Such dismissal shall take effect immediately upon the issuance of the order disposing of the issues pertaining to the assessment of costs and expenses, including attorney's fees.

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D. IT IS FURTHER ORDERED that the Respondent pay the back pay and interest awarded herein within 30 days of the issuance of the order disposing of the issues pertaining to the assessment of costs and expenses, including attorney's fees.

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E. IT IS FURTHER ORDERED that the Respondent, immediately upon the issuance of the order disposing of the issues pertaining to the assessment of costs and expenses, including attorney's fees, clear the employment records of the Complainants identified in Part B of this order of all unfavorable references, if any, concerning the activities that occurred prior to 8:15 a.m. on January 30, 1980.

John F. Cook
Administrative Law Judge