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ROGER ANDERSON V. ITMANN COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

ROGER A. ANDERSON, COMPLAINANT	Complaint of Discrimination
v.	Docket No. WEVA 80-73-D
ITMANN COAL COMPANY, RESPONDENT	Itmann No. 3A Mine

Appearances: F. Alfred Sines, Jr., Esq., for Complainant
 Jerry F. Palmer, Esq., for Respondent

Before: Judge William Fauver

FINAL ORDER

On May 28, 1982, a decision finding liability was issued in this proceeding with the following provision pertaining to damages and other relief:

"Pending a final order counsel for the parties are directed to confer in an effort to stipulate the amount of back pay, interest, attorney's fee, and costs due Complainant under this decision, and to stipulate the other terms of a proposed final order."

On June 24, 1982, the parties advised this Judge that they had reached an equitable settlement for a proposed final order. Said joint stipulation of settlement was reduced to writing and signed by the parties on June 29, 1982.

Based on an independent evaluation and de novo review of the circumstances, I conclude the proposed settlement is in accord with the purposes and policy of the Mine Safety Law and the decision of May 28, 1982.

ACCORDINGLY, IT IS ORDERED that:

1. The Joint Stipulation of Settlement filed on July 1, 1982 is ACCEPTED and APPROVED, and incorporated in this order by reference.
2. Respondent is assessed a civil penalty of \$100 for its violation of section 105(c)(1) of the Act.

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3. Respondent shall pay to Petitioner the sum of Thirty-three Thousand Dollars (\$33,000) within seven days of the date of this Decision, said sum to be apportioned between Complainant and his counsel in accordance with counsel F. Alfred Sines, Jr.'s letter to me of June 29, 1982, and pay to the Mine Safety and Health Administration a civil penalty in the amount of One Hundred Dollars (\$100) within thirty days of the date of this decision.

WILLIAM FAUVER
JUDGE