

CCASE:
FREDERICK BRADLEY V. BELVA COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

FREDERICK G. BRADLEY,
COMPLAINANT

Complaint of Discharge,
Discrimination, or Interference

v.

Docket No. WEVA 80-708-D

BELVA COAL COMPANY,
RESPONDENT

Belva Coal Mine

DECISION AND ORDER

On June 4, 1982, the Commission affirmed my decision finding that Respondent had discriminatorily discharged Complainant in violation of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The case was remanded to recompute the back pay award.

On July 14, 1982, the parties submitted a stipulation showing the gross wages due Complainant, the actual interim earnings, the amounts to be withheld under State and Federal law, the interest on the back pay, Complainant's transportation costs, and the legal fees and expenses due Complainant's counsel.

The parties agreed to waive any rights of appeal and Complainant agrees to waive his right to reinstatement since he had previously refused an offer of Respondent, and has taken other employment.

Having duly considered the matter, I conclude that the stipulation is in Complainant's interest and in the public interest and should be approved.

Therefore, IT IS ORDERED:

1. Respondent shall within 30 days of the date of this decision pay to Complainant the sum of \$21,048.58 his net back pay (which includes interest at 12 percent per annum) plus \$333 as transportation costs or a total of \$21,381.58.

2. Respondent shall within 30 days of the date of this decision pay to Complainant and his attorney the sum of \$2,502 as attorneys fees and legal expenses incurred in the prosecution of this proceeding.

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3. Complainant waives his right to reinstatement under my order of February 11, 1981. Therefore, Respondent need not reinstate or offer to reinstate Complainant.

4. Upon payment of the above amounts, Complainant shall have no further rights under the Federal Mine Safety Act against Respondent arising out of his discharge on June 11, 1980.

James A. Broderick
Administrative Law Judge