

CCASE:
SOL (MSHA) V. REBEL COAL
DDATE:
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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
GERALD D. BOONE,
COMPLAINANTS

COMPLAINT OF DISCHARGE,
DISCRIMINATION, OR
INTERFERENCE

Docket No. WEVA 80-532-D

HOPE CD 80-67

v.

REBEL COAL COMPANY,
RESPONDENT

INTERIM DECISION AND ORDER APPROVING SETTLEMENT
AND SCHEDULE OF PAYMENTS

This case was remanded to the undersigned on April 28, 1983, to resolve the disputed issue of back pay and interest due the Complainant, Gerald Boone, for periods after October 9, 1981. The initial decision finding unlawful discharge of Mr. Boone was issued July 8, 1981, and damages were awarded by order dated January 11, 1982. The Secretary of Labor subsequently intervened on behalf of the Complainant on a petition for enforcement of the final Commission order.

The U.S. Court of Appeals for the Fourth Circuit granted the Secretary's petition for enforcement and directed the Commission to resume jurisdiction in the event the precise amount of back pay could not be agreed upon by the parties. The parties could not agree and expedited hearings were thereafter held on this matter in Charleston, West Virginia, on May 5, 1983. During the course of the hearings, the parties proposed a settlement agreement which included payment of \$15,000 under a schedule of payments to be made by Respondent through January 1, 1984 (Exh. A). It was further agreed that the undersigned would retain jurisdiction in the matter until final payment is made under the agreement. Accordingly, this Interim Decision and Order is not the final disposition of the proceedings. See Commission Rule 65, 29 CFR 2700.65.

ORDER

The proposed settlement is approved and Rebel Coal Company is Ordered to pay to Mr. Gerald Boone as back pay and

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interest for periods after October 9, 1981, the following amounts in accordance with the following schedule:

June 1, 1983	\$1,000.00
July 1, 1983	2,000.00
August 1, 1983	1,000.00
September 1, 1983	1,000.00
October 1, 1983	2,000.00
November 1, 1983	2,000.00
December 1, 1983	2,000.00
January 1, 1984	3,117.95

It is further Ordered that the Rebel Coal Company pay the amount of \$882.05 for costs and expenses to District No. 17, United Mine Workers of America, on January 1, 1984.

Gary Melick
Assistant Chief Administrative Law Judge