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SOL (MSHA) V. ARKANSAS & MICHAEL
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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
MILTON BAILEY,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. CENT 81-13-D
MSHA Case No. MADI CD 80-11
Bradley-Stephen No. 1 Mine

ARKANSAS-CARBONA COMPANY

AND

MICHAEL WALKER,
RESPONDENTS

DECISION

Before: Judge Melick

This proceeding is before me on remand from the Commission, 5 FMSHRC at 2056, for a determination in accordance with that decision of the date on which Mr. Bailey informed the Secretary that he no longer sought reinstatement and of the back wages and interest to be awarded Mr. Bailey.

While the Secretary notes that Mr. Bailey informed the Secretary's representative in April 1983, that he no longer sought reinstatement, Mr. Bailey claims back wages only until April 12, 1982, when the Respondents ceased business operations. The Complainant has therefore recomputed a claim, in accordance with the Commission's directive, for \$21,399.96 in back wages and \$5,091.93 in interest. The claim is not disputed by the Respondents and is therefore accepted as final.

Wherefore, the Respondents, Arkansas-Carbona Company and Michael Walker are hereby ordered jointly and severally to pay to Complainant upon receipt of this decision, the total amount of \$26,491.89.

Gary Melick
Assistant Chief Administrative Law Judge