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SOL (MSHA) V. METRIC CONSTRUCTORS
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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),
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. SE 80-31-DM
Florida Mining & Concrete Co.

METRIC CONSTRUCTORS, INC.,
RESPONDENT

DECISION ON REMAND

Before: Judge Koutras

Statement of the Proceeding

On February 29, 1984, the Commission issued its decision in this matter and remanded the case for additional findings concerning certain remedial aspects of the case. These additional matters are discussed at pages eight and nine of the Commission's decision served on the parties, and they include the question of payment of overtime as part of the back pay award, and the question of payment of appropriate expenses incurred by the complainants for their attendance at the hearings held before the Commission Judge who decided the case.

In response to my Order of March 7, 1984, the parties have stipulated and agreed that the relief due the complainants, as encompassed by the Commission's decision and remand, has been settled by mutual agreement of the parties without the necessity of additional hearings or discovery. In this regard, the parties have filed a joint stipulation whereby they stipulate that the amounts of back pay, interest and hearing expenses that would be owed by the respondent to the complainants under the Commission's decision of February 29, 1984, are as follows:

Name	Back Wages	Interest	Expenses
Joe E. Brown	\$2736.75	\$1642.05	\$72.00
James W. Parker	-0-	-0-	-0-
John W. Parker	3823.25	2293.95	72.00
David Mixon	3823.25	2293.95	-0-
Johnny Denmark	3823.25	2293.95	-0-
James McGuire	3223.25	1933.95	72.00
Van T. McGuire	3836.25	2301.75	48.00
	\$21,266.00	\$12,759.60	\$264.00

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In support of their joint stipulation, the parties advise that the back wage figures include amounts representing overtime compensation computed at one and one-half times the basic hourly wage rate for every hour that would have been worked over forty (40) per week. The expenses represent the travel expenses incurred by the complainants in attending the three days of hearings in Tallahassee, Florida, away from their homes in Perry, Florida, which were the only expenses incurred by the complainants in attending the hearings.

ORDER

Respondent IS ORDERED to pay the compensation listed above, as agreed to by the parties, and payment is to be made within thirty (30) days of the date of this decision and order.

George A. Koutras
Administrative Law Judge