

CCASE:  
SOL (MSHA) V. JIM RESOURCES  
DDATE:  
19841119  
TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
ON BEHALF OF  
I.B. ACTON,  
GRADY ADERHOLT,  
FREEMAN BUTLER,  
JAMES L. CAMPBELL,  
W.D. FRANKLIN,  
BILLY R. GLOVER,  
TERRY PEOPLES,  
WILLIAM REID,  
CHARLES W. RICKER,  
TERRY SHUBERT,  
THEODORE TAYLOR,  
MARVIN WISE,

DISCRIMINATION PROCEEDINGS

Docket No. SE 84-31-D  
Docket No. SE 84-32-D  
Docket No. SE 84-33-D  
Docket No. SE 84-34-D  
Docket No. SE 84-36-D  
Docket No. SE 84-37-D  
Docket No. SE 84-39-D  
Docket No. SE 84-40-D  
Docket No. SE 84-41-D  
Docket No. SE 84-42-D  
Docket No. SE 84-43-D  
Docket No. SE 84-44-D

MSHA Case No. BARB CD 83-18

Nebo Mine

ROBERT BURLESON,  
COMPLAINANTS  
UNITED MINE WORKERS OF  
AMERICA (UMWA),  
INTERVENOR  
v.

Docket No. SE 84-46-D  
MSHA Case No. BARB CD 83-28  
NO. 7 Mine

JIM WALTER RESOURCES, INC.,  
RESPONDENT

DECISION

Appearances: Frederick W. Moncrief, Esq., Office of the  
Solicitor, U.S. Department of Labor, Arlington,  
Virginia, for Complainants;  
Mary Lu Jordan, Esq., Washington, D.C., for  
Intervenor;  
David M. Smith, Esq., Maynard, Cooper, Frierson  
& Gale, P.C., Birmingham, Alabama, and Robert W.  
Pollard, Esq., Jim Walter Resources, Inc.,  
Birmingham, Alabama, for Respondent.

Before: Judge Melick

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A. Final Disposition of Discrimination Proceedings:

By decision dated October 15, 1984, any claim for interest and attorney's fees in these cases was to be submitted to the undersigned within 20 days thereof. No such claim has been filed and no extension of time requested. Accordingly the Complainants are awarded only the training expenses and comparable wages set forth in that decision. Jim Walter Resources, Inc., is hereby ordered to pay the noted amounts to the following miners within 10 days of the date of this decision:

Name of Miner	Total Due
I.B. Acton	\$523.48
Grady Aderholt	485.54
R. Burleson	528.74
F. Butler	418.40
J.L. Campbell	493.88
W.D. Franklin	437.54
R.B. Glover	429.86
T. Peoples	436.54
W.C. Reid	425.86
C.W. Ricker	500.00
T. Shubert	420.14
T. Taylor	439.74
M. Wise	404.86

B. Final Disposition of Civil Penalty Proceedings:

In accordance with the decision in these cases dated October 15, 1984, Jim Walter Resources, Inc., is hereby ordered to pay within 10 days of the date of this decision a civil penalty of \$650 (\$50 in each of the captioned cases).

Gary Melick  
Assistant Chief Administrative Law Judge