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SOL (MSHA) V. EASTERN ASSOCIATED
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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
ROBERT RIBEL,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING

Docket No. WEVA 84-33-D
MSHA Case No. MORG CD 83-18

Federal No. 2 Mine

EASTERN ASSOCIATED COAL
CORPORATION,
RESPONDENT

SUPPLEMENTAL DECISION AND ORDER

Before: Judge Koutras

On December 18, 1985, the Commission issued its decision in this matter affirming my decision of September 24, 1984, 7 FMSHRC 2203, and my supplemental decision on remand of July 10, 1985, 7 FMSHRC 1059, that the respondent discriminated against the complainant in violation of section 105(c)(1) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 815(c)(1). With regard to the issue of attorneys' fees for the complainant's private counsel, the Commission ruled that Mr. Ribel's counsel is entitled to a limited attorney's fees award, and it remanded the matter to me for further limited adjudication of this issue.

In response to my order of December 31, 1985, the parties have submitted a stipulation with respect to the amount of attorneys' fees due to Mr. Ribel, and it states as follows:

That the amount of attorneys' fees due to Mr. Ribel in connection with the participation of his private attorney in obtaining an award of costs in the amount of six hundred and five dollars (\$605) is seven hundred and twenty one dollars and fifty cents (\$721.50);

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That this Stipulation is without prejudice and shall not constitute a waiver of the right of either party to petition for review of the aforementioned decisions of Judge Koutras and the Commission, including specifically the disposition by Judge Koutras and the Commission of Mr. Ribel's motion for an award of attorneys' fees and costs.

ORDER

The respondent IS ORDERED to pay to Mr. Ribel's private attorney the agreed upon amount of \$721.50, and payment is to be made within thirty (30) days of the date of this supplemental decision and order.

George A. Koutras
Administrative Law Judge