

CCASE:
SOL (MSHA) V. SUGARTREE, TERCO & LAWSON
DDATE:
19860205
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
JAMES CORBIN, ROBERT CORBIN,
AND A.C. TAYLOR,
COMPLAINANTS

DISCRIMINATION PROCEEDING

Docket No. KENT 84-255-D
MSHA Case No. BARB 84-35

Sugartree No. 1 Mine

v.

SUGARTREE CORPORATION,
TERCO, INCORPORATED, AND
RANDAL LAWSON,
RESPONDENTS

DECISION

Appearances: Carole M. Fernandez, Esq., Office of the
Solicitor, U.S. Department of Labor, Nashville,
Tennessee, for Complainants;
Guy E. Millward, Jr., Esq., and D. Randall
Jewell, Esq., Barbourville, Kentucky, for Sugar-
tree Corporation and Randal Lawson, and Carlos R. Morris,
Esq., Barbourville, Kentucky, for Terco Incorporated.

Before: Judge Melick

By decision dated December 10, 1985, the Respondents herein
were found jointly and severally liable for costs and damages result-
ing from the unlawful discharge of the named Complainants under
section 105(c)(1) of the Federal Mine Safety and Health Act of 1977,
30 U.S.C. 815(c)(1). (Appendix A). Hearings were thereafter held to
ascertain costs and damages and a decision concerning these matters
was issued January 10, 1986 (Appendix B). Interest calculations were
subsequently filed by the Secretary on January 24, 1986.

ORDER

Discrimination Proceedings

Sugartree Corporation, Terco, Incorporated and Randal Lawson
are hereby directed and ordered, jointly and severally,

~207

to pay within 30 days of the date of this decision the following amounts to the designated persons:

James Corbin- \$34,173.45
Robert Corbin- \$36,355.90
A.C. Taylor- \$35,811.74

The orders of reinstatement applicable to James Corbin and Robert Corbin by the interlocutory decisions in this matter dated December 10, 1985, and January 10, 1986, are now final.

Civil Penalty Proceedings

Sugartree Corporation, Terco, Incorporated and Randal Lawson are hereby directed and ordered, jointly and severally, to pay within 30 days of the date of this decision, a civil penalty of \$1,000.

Gary Melick
Administrative Law Judge