

CCASE:
LARRY ANDERSON V. CONSOL COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

LARRY BRIAN ANDERSON,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. PENN 86-221-D

v.

CONSOL PENNSYLVANIA COAL
COMPANY,
RESPONDENT

SUPPLEMENTAL DECISION

Appearances: Michael J. Healey, Esq., Healey & Davidson,
Pittsburgh, Pennsylvania, for Complainant;
Michael R. Peelish, Esq., Pittsburgh,
Pennsylvania, for Respondent.

Before: Judge Broderick

On March 5, 1987, I issued my decision in this proceeding in which I determined that Respondent violated section 105(c) of the Act when it removed Complainant's application from consideration for employment at the subject mine.

I ordered Respondent to reinstate Complainant's application and consider it in good faith for openings for which he is qualified without regard to his alleged absentee record at Consol mines and without regard to his alleged reporting of his supervisor's safety violations. I also ordered Respondent to reimburse Complainant for his reasonable attorney fees and costs of litigation.

On March 23, 1987, counsel for Respondent submitted a copy of a memorandum from counsel to the Industrial and Employee Relations Supervisor at the subject mine directing him to reinstate Complainant's application and consider it in good faith for openings for which he is qualified. Counsel stated that the application has been reinstated. Counsel for Respondent further stated that he agreed with Complainant's counsel on the attorney fees and costs of litigation and would pay the agreed amount to Complainant's attorney.

Complainant's attorney has not responded to Respondent's submission.

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Premises considered, IT IS ORDERED:

- (1) The decision issued March 5, 1987, is reaffirmed.
- (2) Respondent has complied with order (1) and (3) in said decision.
- (3) Respondent shall reimburse Complainant for his attorney fees in the amount agreed upon by counsel.
- (4) This decision is final.

James A. Broderick
Administrative Law Judge