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SOL (MSHA) V. SUMCO INC., AND R.E. SUMMERS
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF ROBERT VAUGHN,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. KENT 89-28-D

v.

SUMCO, INC. AND R.E. SUMMERS,
RESPONDENTS

SUPPLEMENTAL DECISION AND ORDER

Appearances: Mary K. Spencer, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
on behalf of Complainant; Rodney E. Buttermore,
Jr., Esq., Forester, Buttermore, Turner & Lawson,
Harlan, Kentucky, on behalf of Respondents.

Before: Judge Broderick

On June 2, 1989, I issued a Decision on the merits in the above proceeding. I directed the parties to attempt to stipulate as to the monetary amount due complainant Vaughn under the decision. Should they fail to stipulate, I directed the Secretary to submit a statement of the amount claimed due. Respondents were given ten days to respond to the statement.

On July 7, the Secretary filed a statement of the amount she contends is due under the decision with interest to July 15, 1989. Respondents did not reply to the statement.

Considering the entire record and the parties contentions, Respondents are ORDERED:

1. To pay to Complainant Vaughn within 30 days of the date of this order the sum of \$4470.93, representing back wages from June 30, 1988 to December 4, 1988, which amount includes interest to July 15, 1989.

2. To pay interest at the rate of 1.38 per day after July 15, 1989, until the total amount due is paid.

3. To pay to the Secretary, within 30 days of the date of this order, a civil penalty in the amount of \$100.

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4. This order supplements the decision issued June 2, 1989, and with that decision represents my final decision and order in this proceeding.

James A. Broderick
Administrative Law Judge