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SOL (MSHA) V. ADAMS STONE
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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 FRED BARTLEY,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. KENT 89-102-DM

Jenkins Quarry

v.

ADAMS STONE CORPORATION,
RESPONDENT

CORRECTED SUPPLEMENTAL DECISION

Appearances: Thomas A. Grooms, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for Complainant; David Adams, Vice-President,
Adams Stone Corporation, Pikeville, Kentucky,
for Respondent.

Before: Judge Broderick

Pursuant to my order of December 5, 1989, the Secretary filed a statement of the total back wages due Fred Bartley under the decision issued October 18, 1989. Respondent on January 9, 1990, replied to the Secretary's statement.

The total back wages and other benefits to which Bartley is entitled under the decision amount to \$9,438. This amount was paid to Bartley on December 8, 1988, pursuant to an arbitration award. Respondent is therefore given credit for the payment of this amount in accordance with Order No. 3 in the decision issued October 18, 1989. In addition to this amount, Bartley is entitled to interest under the formula set out in UMWA v. Clinchfield Coal Company, 10 FMSHRC 1493 (1988). Interest through December 7, 1988, totals \$316.75.

Therefore, IT IS ORDERED:

1. The findings, conclusions and orders of the decision issued October 18, 1989, are REAFFIRMED.

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2. Respondent shall, within 30 days of the date of this Corrected Supplemental Decision, pay to Complainant the sum of \$316.75 representing the interest on the amount of back pay and other benefits to Complainant Bartley on December 8, 1988.

3. Respondent shall, within 30 days of the date of this Corrected Supplemental Decision, pay to the Secretary a civil penalty in the amount of \$1000 for the violation of section 105(c) of the Mine Act.

4. This decision is FINAL.

James A. Broderick
Administrative Law Judge