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ROBERT SIMPSON V. KENTA ENERGY AND R.D. JACKSON
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

ROBERT SIMPSON,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. KENT 83-155-D

v.

KENTA ENERGY, INC.
AND
ROY DAN JACKSON,
RESPONDENTS

DECISION ON REMAND

Before: Judge Broderick

On September 29, 1989, the Commission remanded the case to me to determine whether attorney's fees are properly awardable under the Act for legal services on appeal, and, if so, to determine the amount of such fees; and to determine the amount of back pay and interest due Complainant since December 17, 1984.

On December 18, 1989, I issued a decision with respect to the attorney's fees claimed, and permitted discovery on the question of back pay. On March 19, 1990, Complainant submitted a statement of the back pay and interest due him from December 17, 1984 through March 31, 1990. Respondents have not replied to the statement.

Complainant's statement indicates that he has not been reinstated nor offered reinstatement by Kenta or Jackson. It further states that the subject mine ceased operating on approximately March 1, 1988, and that Complainant does not claim back pay beyond that date. Interest is claimed through March 31, 1990. Complainant worked for approximately 6 months in 1985 and was paid a total of \$7200. The statement shows interim offsetting earnings of \$3600 for each of the first two quarters of 1985. The statement claims that Complainant had no other earnings from October 1984 to March 1, 1988. I accept the representations in the statement and find them to be factual. I adopt the calculations contained in the statement.

Therefore, IT IS ORDERED that Respondents Kenta and Roy Dan Jackson shall pay to Complainant Robert Simpson the

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following amounts, representing back pay and interest due
Complainant since December 17, 1984, under the Commission
decision issued May 11, 1989:

Interest on back pay previously awarded	20,442.16
Additional back pay	61,865.20
Additional interest	25,675.34
TOTAL	\$107,962.70

This is a final order.

James A. Broderick
Administrative Law Judge