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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
GILBERT WISDOM,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. SE 89-102-DM

MD 88-60

State Road 520 Plant

v.

F & W MINES, INC.,
RESPONDENT

SUPPLEMENTAL DECISION

Appearances: Glenn M. Embree, Esq., U.S. Department of Labor,
Office of the Solicitor, Atlanta, Georgia, for the
Complainant;
James E. Foster, Esq., Foster & Kelly, Orlando,
Florida, for the Respondent.

Before: Judge Maurer

Subsequent to a hearing on the merits in this case, a
Decision was issued on April 30, 1990, finding that the
respondent discriminated against the named complainant in
violation of section 105(c) of the Federal Mine Safety and Health
Act of 1977. The Decision further ordered as follows:

Complainant shall file a detailed statement within
fifteen (15) days of this Decision, indicating the
specific relief requested. The statement shall be
served on the respondent who shall have fifteen (15)
days from the date service is attempted to reply
thereto.

On May 22, 1990, the Secretary filed a statement pursuant to
this order. On May 31, 1990, in a telephone conference call, both
parties indicated that a settlement had been arrived at, and that
a signed stipulation and joint motion for approval of their
settlement would be submitted anon.

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The attorney for the Secretary filed the stipulation and joint motion on July 5, 1990, and it provides as follows:

1. Respondent will pay to Mr. Gilbert Wisdom, as the full and complete relief hereunder, back wages in the gross amount of \$5,000, less deductions required by law within 60 days of the date of this stipulation.

2. Mr. Gilbert Wisdom and complainant hereby withdraw the statement of relief, including any and all claims for reinstatement, filed with the Commission on or about May 19, 1990.

3. The Secretary agrees to withdraw her prayer for assessment of a civil money penalty.

I find the above settlement provides a fair resolution of the case and I note that Mr. Gilbert Wisdom, personally, has signed the stipulation and motion.

Therefore, IT IS ORDERED that:

1. The findings and conclusions of my decision issued on April 30, 1990, are REAFFIRMED.

2. Respondent shall on or before the 3rd day of September, 1990, pay to Complainant, Gilbert Wisdom, the sum of \$5000, less applicable deductions as back wages.

3. The rights and obligations of all the parties to this proceeding are set forth in the stipulation and joint motion for relief filed on July 5, 1990, and all the parties shall abide by all its terms.

4. This decision is Final.

Roy J. Maurer
Administrative Law Judge