FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

MAY 27 1992

JEFFERY A. PATE, Complainant	:	DISCRIMINATION PROCEEDING
v.	:	Docket No. SE 91-104-D
WHITE OAK MINING COMPANY, Respondent	:	BARB CD 90-36
	:	White Oak Mining

DECISION AND ORDER AWARDING COSTS AND DAMAGES

Appearances: Mitch Damsky, Esq., Birmingham, Alabama, for Complainant;
David M. Smith, Esq., Maynard, Cooper, Frierson & Gale, P.C., Birmingham, Alabama, for Respondent.

Before: Judge Maurer

On April 15, 1992, a decision on the merits was entered finding that respondent had discriminated against complainant in violation of section 105(c) of the Mine Act.

Subsequently, the parties have settled the costs (including attorney's fees) and damages aspect of the case. A total payment of $4500 in exchange for a full and final resolution of this matter is proposed, and I conclude appropriate.

FINAL ORDER

Respondent shall pay $4500 to complainant within 30 days of this decision and order for reimbursement of his costs (including attorney's fees) and in full satisfaction of his damages.

This decision and order represents the final disposition of these proceedings before this judge.

Roy J. Maurer
Administrative Law Judge

Distribution:

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