

CCASE:  
LONNIE DARRELL ROSS V. SHAMROCK COAL  
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, 10th FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

LONNIE DARRELL ROSS, : DISCRIMINATION PROCEEDINGS  
Complainant :  
v. : Docket No. KENT 91-76-D  
: MSHA No. BARB-CD-90-40  
SHAMROCK COAL COMPANY, INC. :  
Respondent :  
: CHARLES EDWARD GILBERT, : Docket No. KENT 91-77-D  
Complainant : MSHA No. BARB-CD-90-41  
v. :  
: SHAMROCK COAL COMPANY, INC., : Mine No. 10  
Respondent :

DECISION ON REMAND

Appearances: Phyllis L. Robinson, Esq., Hyden, KY, for  
Complainants;  
Tony Oppegard, Esq., Lexington, KY, for  
Mine Safety Project of the Appalachian Research &  
Defense Fund of Kentucky, Inc.; and  
Timothy Wells, Esq., Manchester, KY, for the  
Respondent.

Before: Judge Fauver

On June 24, 1993, the Commission remanded these consolidated cases for clarification of interest awards and recalculation of the back pay awards by deducting unemployment compensation received during the backpay periods.

After extensive conferences and negotiations, the parties have moved for approval of a settlement agreement proposing the terms of an order on remand. I have reviewed the proposal and accompanying documents, and conclude that the proposed order is appropriate.

The parties have submitted to the judge the determination of an appropriate attorney fee. Having considered the documentation submitted regarding an attorney fee, I conclude that Attorney Phyllis L. Robinson is entitled to an attorney fee of \$150.00 per hour for 69.50 hours (\$10,425.00) plus reimbursable expenses of \$95.34, for a total attorney fee of \$10,520.34.

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ORDER

WHEREFORE IT IS ORDERED that:

1. The parties' settlement agreement is APPROVED as a full and final settlement of all claims and issues raised in these proceedings.

2. Within 30 days of the date of this Decision, the parties shall comply fully with paragraphs 1 and 2 of the agreed proposed order on remand.

3. Within 30 days of the date of this Decision. Respondent shall pay Complainants' Attorney, Phyllis L. Robinson, an attorney fee of \$10,520.34.

William Fauver  
Administrative Law Judge

Distribution:

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