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SOL (MSHA) V. METTIKI COAL  
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR,	:	TEMPORARY REINSTATEMENT
MINE SAFETY AND HEALTH	:	PROCEEDING
ADMINISTRATION (MSHA),	:	
ON BEHALF OF JAMES W. MILLER,	:	Docket No. York 93-155-D
Complainant	:	MSHA Case No. MORG CD 93-06
	:	
v.	:	Mettiki Mine
	:	
METTIKI COAL CORPORATION,	:	
Respondent	:	

ORDER OF TEMPORARY ECONOMIC REINSTATEMENT

Before: Judge Feldman

This matter is before me based upon an application for temporary reinstatement filed pursuant to Section 105(c)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C.

815(c)(2), by the Secretary of Labor on behalf of James W. Miller. This case was scheduled for hearing on November 3, 1993 in Morgantown, West Virginia. However, prior to the hearing, the parties filed a stipulation for temporary economic reinstatement for my approval.

The terms of the stipulation are that the respondent, Mettiki Coal Corporation, will economically reinstate Mr. Miller by payment to him of the current standard hourly wage for the position he held at the time of his termination. Mr. Miller will also continue to receive such current benefits and bonuses to which he would have been entitled if he had remained in the respondent's employment. Payment of wages, benefits and bonuses will be made to Mr. Miller on the condition that he not actually return to work on company property.

The parties further stipulated that Mr. Miller's rights under this temporary economic reinstatement agreement are retroactive to October 18, 1993, and that Mr. Miller's rights under this agreement shall continue in accordance with the provisions of Section 105(c)(2) of the Mine Act. Consequently, the respondent withdraws its September 27, 1993, request for hearing in this temporary reinstatement matter.

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Accordingly, the parties' request for approval of the terms of their stipulation for temporary economic reinstatement IS GRANTED. Mr. Miller is to be economically reinstated to the same salary and benefits that he was entitled to as of the date of his termination from the Mettiki Coal Corporation. Payment of such salary and benefits shall be retroactive to October 18, 1993, and shall continue until the Secretary acts on Mr. Miller's underlying discrimination complaint or until the parties agree that temporary reinstatement is to be terminated.

Jerold Feldman  
Administrative Law Judge

Distribution:

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