

CCASE:
SOL (MSHA) AND UMWA V. JIM WALTER RESOURCES
DDATE:
19940125
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 93-127-D
On Behalf of JAMES JOHNSON,	:	Mine ID 01-01401
Complainant	:	
and	:	No. 7 Mine
	:	
UNITED MINE WORKERS OF	:	
AMERICA (UMWA),	:	
Intervenor	:	
v.	:	
	:	
JIM WALTER RESOURCES,	:	
INCORPORATED,	:	
Respondent	:	

DECISION

Appearances: William Lawson, Esq., Office of the Solicitor, U.S. Department of Labor, Birmingham, Alabama, for Complainant; David M. Smith, Esq., Mark Strength, Esq., and R. Stanley Morrow, Esq., Birmingham, Alabama, for the Respondent.

Before: Judge Fauver

The Decision on November 18, 1993, held that Respondent discriminated against James Johnson in violation of Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.S. 801 et seq. The discrimination included a two-day suspension without pay. Jurisdiction was retained pending a final decision on damages.

I find that James Johnson is entitled to back pay for the two-day suspension (March 14 and 15, 1992) in the total amount of \$564.70 plus interest from March 15, 1992, until the date of payment of the back pay.

ORDER

1. Within 30 days of the date of this Decision, Respondent shall pay James Johnson back pay of \$564.70 plus interest accrued from March 15, 1992, until the date of payment, interest to be computed in accordance with the Commission's decisions prescribing the method of computing interest.

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2. This Decision and the Decision of November 18, 1993, constitute the judge's final disposition of the issues in this proceeding.

William Fauver
Administrative Law Judge

Distribution:

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