

CCASE:
JOSEPH A. CAMPBELL V. THE ANACONDA
DDATE:
19811202
TTEXT:
FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.
December 2, 1981
JOSEPH A. CAMPBELL,
Complainant

v.

Docket No. WEST 80-221-DM

THE ANACONDA COMPANY,
Respondent

ORDER

On November 23, 1981 Anaconda filed a petition for review raising questions of law and fact relating to the judge's decision issued on October 23, 1981. That decision includes a finding that Complainant Campbell was discharged on October 26, 1979 in violation of the discrimination provisions of § 105(c) of the Mine Safety and Health Act of 1977, 30 U.S.C. § 815 (Supp. III, 1979). Back pay and attorney's fees for the Complainant also are awarded, but the judge requests that counsel for both parties advise him in writing by November 16, 1981 whether they have agreed on the amounts due under those awards and if so, to submit those amounts to him for approval. The decision provides that if approval is given, an order will be issued which finally disposes of the proceedings; if counsel are unable to agree, further posthearing orders will be issued. The October 23 decision does not resolve the monetary amounts. Consequently, it is not a final disposition and does not initiate the statutory review period under § 113 of the Mine Act, 30 U.S.C. § 823. Accordingly, Anaconda's petition for review filed on November 23, 1981 is dismissed as premature. *Victor McCoy v. Crescent Coal Company*, 3 FMSHRC_____ (November 5, 1981). The parties may file appropriate petitions for discretionary review in accordance with § 113 of the Mine Act and Commission Rule 70, 29 C.F.R. § 2700.70, after the judge enters his final disposition of this proceeding.