

CCASE:
SOL (MSHA) V. BOWMAN COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
SAMUEL E. GRIFFITH,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. VA 84-25-D
MSHA Case No. NORT CD-84-3
No. 2 Mine

BOWMAN COAL COMPANY, INC.,
RESPONDENT

ORDER

Appearances: Mary K. Spencer, Esq., Office of the Solicitor, U.S.
Department of Labor, Arlington, Virginia, for
Complainant;
Keary R. Williams, Esq., Williams & Gibson, Grundy,
Virginia, for Respondent.

Before: Judge Broderick

On January 14, 1985, I issued a decision on the merits in the above case in which I concluded that Complainant was discharged on February 21, 1984, as a result of activities protected under section 105(c) of the Mine Safety Act. I directed Complainant to submit a statement of the amount due as back wages together with interest, and allowed Respondent 10 days to respond to the statement.

On January 25, 1985, Complainant filed a statement of back wages and interest claimed through January 14, 1985. Respondent has not replied to the statement.

Pursuant to the findings and conclusions in my decision--

Respondent IS ORDERED to pay Complainant back wages at the rate of \$50 per day from February 23, 1984 through April 25, 1984, in the gross amount of \$2,250 with interest thereon, at the rate of 11 percent per annum from February 23, 1984 through December 31, 1984, and at the rate of 13 percent per annum from January 1, 1985 through January 14, 1985, for a total interest payment of \$172.91. The total amount due through January 14, 1985 is \$2,422.91.

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Respondent is FURTHER ORDERED to pay interest on the gross amount of back wages (\$2,250) at the rate of 13 percent per year (.0361 percent per day) until paid.

Respondent is FURTHER ORDERED to pay the sum of \$100 within 30 days of the date of this order as a civil penalty for the violation of section 105(c) of the Act.

James A. Broderick
Administrative Law Judge