

CCASE:
CLIFFORD MEEK V. ESSROC
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CLIFFORD MEEK,	:	DISCRIMINATION PROCEEDING
Complainant	:	
	:	Docket No. LAKE 90-132-DM
v.	:	MSHA Case No. UC MD-90-06
	:	
ESSROC CORPORATION,	:	
Respondent	:	

FINAL ORDER

Before: Judge Fauver

This is a discrimination proceeding under 105(c)(1) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq.

A decision on liability was entered December 14, 1991, finding that Respondent discriminated against Complainant by refusing to employ him because of protected activities. A supplemental decision was entered on January 31, 1992, denying a motion to dismiss. The matter has been pending a final order on monetary relief.

After extensive exchanges between the parties, and submissions to the judge, of factual positions, documents, legal arguments, and proposals for monetary relief, Complainant filed a revised proposed order for back pay interest, and an attorney fee through March 2, 1992.

After considering this proposal and Respondent's reply, an Order was entered on March 10, 1992, directing the parties to exchange and file by March 30, 1992, certain information needed for a final order for monetary relief. Complainant has filed the additional information, and states that Respondent has not furnished the items specified in the Order, i.e., W-2 statements and quarterly gross wages for its hourly employees at the Middlebranch Plant for the period from February 27, 1990, to March 1, 1992.

The premises considered, Complainant's request on March 30, 1992, for an order granting monetary relief is GRANTED, and it is therefore ORDERED that:

1. Respondent shall pay to Complainant, within 30 days from the date of this Order, the following damages due from February 27, 1990, through March 2, 1992:

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Back Pay and Interest - - - - \$24,000.00
Attorney Fee and
Litigation costs - - - - \$17,065.80

\$41,065.80

2. Respondent's liability for back pay, interest and an attorney fee and litigation costs after March 2, 1992, shall continue to accrue until this case including any appeals is concluded.

3. The prior Decisions herein and this Final Order constitute the judge's final disposition of this proceeding.

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