

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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NOV - 5 2014

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA) ON
BEHALF OF GARY KITTELSON,

Petitioner

v.

NORTHERN AGGREGATE INC.,

Respondent

TEMPORARY REINSTATEMENT
PROCEEDING

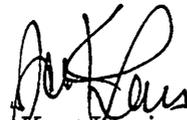
Docket No. LAKE 2014-597-DM
MSHA Case No. RM-MD-14-13

Mine: Portable Crusher
Mine ID: 21-02623

**ORDER GRANTING SECRETARY'S MOTION TO ENFORCE
ORDER OF TEMPORARY REINSTATEMENT**

This case is before me pursuant to an Application for Temporary Reinstatement brought under Section 105(c)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §815(c), *et. seq.* (the "Mine Act."). On August 12, 2014, the undersigned issued an Order temporarily reinstating Gary Kittelson to his position in the mine. On October 13, 2014, the Respondent terminated Kittelson's employment in violation of the Order Approving Temporary Reinstatement. Therefore, on October 23, 2014, the Secretary of Labor filed a Motion to Enforce the Order of Temporary Reinstatement, as well as a second Application for Temporary Reinstatement, LAKE 2015-80-DM. A conference call between the parties and the undersigned was held on November 3, 2014, wherein the parties agreed to economically reinstate Kittelson according to the terms to be determined by the parties.

It is **ORDERED** that Kittelson shall be economically reinstated from his October 13, 2014 termination.



John Kent Lewis
Administrative Law Judge

Distribution:

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