CCASE:

LOCAL UNION 1570, DIST. 31 (U.M.W.A) V. EASTERN ASSOCIATED COAL

DDATE: 19890510 TTEXT: ~ 877

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)

Office of Administrative Law Judges

LOCAL UNION 1570, DISTRICT 31,
UNITED MINE WORKERS
OF AMERICA (UMWA),
COMPLAINANTS

COMPENSATION PROCEEDING

Docket No. WEVA 88-227-C

Federal No. 2 Mine

v.

 $\begin{array}{c} {\tt EASTERN} \ {\tt ASSOCIATED} \ {\tt COAL} \ {\tt CORPORATION}, \\ {\tt RESPONDENT} \end{array}$ 

SUPPLEMENTAL DECISION AND ORDER

Appearances: Joyce A. Hanula, Legal Assistant, United Mine

Workers of America, Washington, D.C., for the

Complainants;

Eugene P. Schmittgens, Jr., Esq., Eastern Associated Coal Corporation, Pittsburgh,

Pennsylvania, for the Respondent.

Before: Judge Koutras

On April 6, 1989, I issued a partial decision granting in part, and denying in part, the compensation claims filed by the complainants in this case. The parties were requested to file a stipulation with respect to the amounts of compensation and interest due the idled miners in question, and they have now done so.

## ORDER

The respondent IS ORDERED to pay the following miners the noted compensation and interest due in this matter, and payment is to be made within thirty (30) days of the date of this supplemental decision. The April 6, 1989, decision is hereby made final along with this supplemental decision.

14 Right Crew Wages Lost

## February 9, 1988 (B Shift)

Employee	Employee No.	Wages Lost	Interest	Total Due			
B. Tennant	43036	\$64.46	\$8.13	\$72.59			
B. Milush	43186	\$60.19	\$7.59	\$67.78			
M. Starkey	43503	\$62.84	\$7.93	\$70.77			
W. Hovatter	43618	\$64.46	\$8.13	\$72.59			
J. Starr	44408	\$62.84	\$7.93	\$70.77			
I. Ammons	44417	\$62.84	\$7.93	\$70.77			
J. Teets	44581	\$62.84	\$7.93	\$70.77			
B. Powell	45137	\$64.46	\$8.13	\$72.59			
D. Barker	45313	\$64.46	\$8.13	\$72.59			
R. Varner	45444	\$64.46	\$8.13	\$72.59			
J. Price	45449	\$62.84	\$7.93	\$70.77			
February 10, 1988 (A Shift)							
Employee	Employee No.	Wages Lost	Interest	Total Due			
D. Efaw	43077	\$126.52	\$15.96	\$142.48			
V. Alvarez	43094	\$117.98	\$14.88	\$132.86			
J. Moore	44390	\$123.28	\$15.55	\$138.83			
R. Yoney	44400	\$123.28	\$15.55	\$138.83			
		,	,	,			
February 10, 1988 (B Shift)							
Employee	Employee No.	Wages Lost	Interest	Total Due			
B. Milush	43186	\$120.38	\$15.19	\$135.57			
I. Ammons				7 + 3 3 • 3 /			
	44417	\$125.68	\$15.86				
	44417 45089	\$125.68 \$120.38	\$15.86 \$15.19	\$141.54			
R. Boyce D. Barker		\$125.68 \$120.38 \$128.92	\$15.86 \$15.19 \$16.26				
R. Boyce	45089 45313	\$120.38	\$15.19 \$16.26	\$141.54 \$135.57			
R. Boyce	45089 45313	\$120.38 \$128.92	\$15.19 \$16.26 hift)	\$141.54 \$135.57			
R. Boyce D. Barker	45089 45313 February 10	\$120.38 \$128.92 0, 1988 (C S	\$15.19 \$16.26 hift) Interest	\$141.54 \$135.57 \$145.18			
R. Boyce D. Barker	45089 45313 February 10 Employee No.	\$120.38 \$128.92 ), 1988 (C S Wages Lost	\$15.19 \$16.26 hift)	\$141.54 \$135.57 \$145.18 Total Due			
R. Boyce D. Barker  Employee J. Foley	45089 45313 February 10 Employee No. 43043	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72	\$15.19 \$16.26 hift) Interest \$16.37	\$141.54 \$135.57 \$145.18 Total Due \$146.09			
R. Boyce D. Barker  Employee J. Foley R. Schrader	45089 45313 February 10 Employee No. 43043 43177	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72 \$129.72	\$15.19 \$16.26 hift) Interest \$16.37 \$16.37	\$141.54 \$135.57 \$145.18 Total Due \$146.09 \$146.09			
R. Boyce D. Barker  Employee J. Foley R. Schrader J. Kanosky	45089 45313 February 10 Employee No. 43043 43177 43207	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72 \$129.72 \$126.48	\$15.19 \$16.26 hift) Interest \$16.37 \$16.37 \$15.96	\$141.54 \$135.57 \$145.18 Total Due \$146.09 \$146.09 \$142.44			
R. Boyce D. Barker  Employee J. Foley R. Schrader J. Kanosky C. Hoover	45089 45313 February 10 Employee No. 43043 43177 43207 43218	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72 \$129.72 \$126.48 \$126.48 \$126.48 \$129.72	\$15.19 \$16.26 hift) Interest \$16.37 \$16.37 \$15.96 \$15.96 \$15.96 \$16.37	\$141.54 \$135.57 \$145.18 Total Due \$146.09 \$146.09 \$142.44 \$142.44			
R. Boyce D. Barker  Employee J. Foley R. Schrader J. Kanosky C. Hoover R. Ribel	45089 45313 February 10 Employee No. 43043 43177 43207 43218 43536	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72 \$129.72 \$126.48 \$126.48 \$126.48	\$15.19 \$16.26 hift) Interest \$16.37 \$16.37 \$15.96 \$15.96 \$15.96	\$141.54 \$135.57 \$145.18 Total Due \$146.09 \$146.09 \$142.44 \$142.44 \$142.44 \$142.44 \$142.44			
R. Boyce D. Barker  Employee  J. Foley R. Schrader J. Kanosky C. Hoover R. Ribel W. Smith S. Hamilton J. Melton	45089 45313 February 10 Employee No. 43043 43177 43207 43218 43536 43586	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72 \$126.48 \$126.48 \$126.48 \$129.72 \$126.48 \$129.72 \$126.48 \$121.18	\$15.19 \$16.26 hift) Interest \$16.37 \$15.96 \$15.96 \$15.96 \$15.96 \$15.29	\$141.54 \$135.57 \$145.18 Total Due \$146.09 \$146.09 \$142.44 \$142.44 \$142.44 \$146.09			
R. Boyce D. Barker  Employee  J. Foley R. Schrader J. Kanosky C. Hoover R. Ribel W. Smith S. Hamilton	45089 45313 February 10 Employee No. 43043 43177 43207 43218 43536 43586 43586 43808	\$120.38 \$128.92 0, 1988 (C S Wages Lost \$129.72 \$126.48 \$126.48 \$126.48 \$129.72 \$126.48	\$15.19 \$16.26 hift) Interest \$16.37 \$15.96 \$15.96 \$15.96 \$15.96 \$16.37 \$15.96	\$141.54 \$135.57 \$145.18 Total Due \$146.09 \$146.09 \$142.44 \$142.44 \$142.44 \$142.44 \$142.44			

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C.	Stewart	44264	\$126.48	\$15.96	\$142.44
Ε.	Jackson	43035	\$121.18	\$15.29	\$136.47
D.	Barker	45090	\$129.72	\$16.37	\$146.09
J.	Wilson	45135	\$121.18	\$15.29	\$136.47
R.	Neff	45332	\$121.18	\$15.29	\$136.47
S.	Farrah	45518	\$121.18	\$15.29	\$136.47
Т.	Turek	45538	\$121.18	\$15.29	\$136.47
J.	Mathews	44437	\$129.72	\$16.37	\$146.09

George A. Koutras Administrative Law Judge