

STATE OF MONTANA  
DEPARTMENT OF LABOR AND INDUSTRY  
OFFICE OF ADMINISTRATIVE HEARINGS

IN RE: OFFICE OF ADMINISTRATIVE HEARINGS CASE NO. 748-2008:

MITCHELL REINHARDT, ) HRB Case No. 0071012381  
)  
Charging Party, )  
) ORDER AMENDING  
vs. ) HEARING OFFICER'S DECISION  
)  
BNSF RAILWAY COMPANY, )  
)  
Respondent. )

\* \* \* \* \*

Pursuant to this Hearing Officer's March 23, 2017 Decision, BNSF was to provide proof of the wages Reinhardt would have earned from the date he was terminated until the end of his probationary period. BNSF has determined that Reinhardt would have earned \$1,170.18 during that time period. Reinhardt agreed that the amount appeared correct.

IT IS THEREFORE ORDERED THAT:

1. Conclusion of Law No. 5 from the Hearing Officer's March 23, 2017 Decision is amended to read.

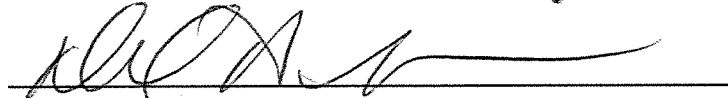
5. Reinhardt is entitled to \$1,170.18 in wages he would have earned until the end of his probationary period. Mont. Code Ann. § 49-2-506. Cf. Admin. R. Mont. 24.9.611

2. Paragraph No. 4 in the Order section of the March 23, 2017 Decision is amended to read:

4. Within 30 days of this order, BNSF shall pay to Reinhardt the amount of \$10,000.00 as emotional distress damages. BNSF shall also pay to Reinhardt \$1,170.18 in wages plus interest which has and continues to accrue at the rate of 10% simple interest per year.

3. The Parties have satisfied the terms of Paragraph No. 3 in the Order section of the March 23, 2017 Decision.

Dated this 5<sup>th</sup> day of April, 2016.



David A. Scrimm, Hearing Officer  
Office of Administrative Hearings  
Department of Labor and Industry

\* \* \* \* \*

### CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document was, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

PETER MICHAEL MELOY  
MELOY LAW FIRM  
PO BOX 1241  
HELENA MT 59624-1241

MICHELLE T FRIEND  
HEDGER FRIEND PLLC  
2800 CENTRAL AVE STE C  
BILLINGS MT 59102

Dated this 5<sup>th</sup> day of April, 2016.

