

CCASE:

LOCAL 6025 (UMWA) V. CONSOLIDATION COAL

DDATE:

19801030

TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

LOCAL UNION 6025, UNITED MINE  
WORKERS OF AMERICA (UMWA),  
COMPLAINANT

v.

CONSOLIDATION COAL COMPANY,  
RESPONDENT

Complaint of Discharge,  
Discrimination, or Interference

Docket No. WEVA 80-648-D  
HOPE CD 80-59

Docket No. WEVA 80-649-D  
HOPE CD 80-72 thru 80-74

Bishop Mine

ORDER OF DISMISSAL

On August 26, 1980, Complainant filed complaints of discrimination in these cases, based on section 105(c) of the Act. These are two of a number of cases filed against Respondent by Complainant for refusals to pay walkaround representatives for participating in "Spot" or irregular inspections. See Local 6025, UMWA v. Bishop Coal Company, 2 FMSHRC 2160 (August 7, 1980); Local 6025, UMWA v. Consolidation Coal Company, Docket No. WEVA 80-457-D (Order of Dismissal, October 20, 1980).

On their faces, these complaints are without merit. It is settled that a walkaround representative need not be paid for participating in a "spot" or irregular inspection. MSHA v. Helen Mining, Inc. 1 FMSHRC 1796 (November 21, 1979). Ordinarily, a responsive pleading should be obtained from Respondent, but in view of the history of these claims and need to secure the just, speedy, and inexpensive determination of all proceedings, the complaints will be dismissed. 29 C.F.R. 2700.1(c).

Complainant has not stated claims upon which relief may be granted. Accordingly, IT IS ORDERED that the cases are DISMISSED.

James A. Broderick  
Chief Administrative Law Judge