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

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
JAMES M. CLARKE,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. LAKE 83-97-D
MSHA Case No. VINC-CD-83-09
T.P. Strip

T.P. MINING, INC.,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Kennedy

The Solicitor having failed and refused to comply with my order to provide an amended complaint in support of the penalty proposal that was severed from the discrimination complaint, it is ORDERED that (1) the order approving settlement of the discrimination complaint is AFFIRMED and the complaint DISMISSED and (2) that the severed penalty proposal be, and hereby is, DISMISSED FOR WANT OF PROSECUTION.

Joseph B. Kennedy
Administrative Law Judge