

CCASE:
SOL (MSHA) V. JIM RESOURCES
DDATE:
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TTEXT:

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

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
DAVID J. McCONNELL,
COMPLAINANT

DISCRIMINATION PROCEEDINGS

Docket No. SE 84-38-D
BARB CD-83-18

Nebo Mine

UNITED MINE WORKERS OF
AMERICA (UMWA),
INTERVENOR
v.

JIM WALTER RESOURCES, INC.,
RESPONDENT

ORDER OF DISMISSAL

Appearances: Frederick W. Moncrief, Esq., Office of the
Solicitor, U.S. Department of Labor, Arlington,
Virginia, for Complainant;
Mary Lu Jordan, Esq., United Mine Workers of
America, Washington, D.C., for Intervenor;
David M. Smith, Esq., Maynard, Cooper, Frierson
& Gale, P.C., Birmingham, Alabama, and
Robert W. Pollard, Esq., Jim Walter Resources,
Inc., Birmingham, Alabama, for Respondent.

Before: Judge Melick

At hearing the Secretary requested approval to withdraw the
complaint in the captioned case. Documentation and representations
subsequently filed show that Mr. McConnell never filed a complaint
of discrimination with the Secretary and that the complaint now
before this Commission was inadvertently filed. Under the
circumstances, permission to withdraw the complaint is granted. 29
C.F.R. 2700.11. The case is therefore dismissed.

Gary Melick
Assistant Chief Administrative Law Judge