

CCASE:  
SOL (MSHA) V. RAVEN RED ASH COAL  
DDATE:  
19860409  
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  
LARRY COLLINS,  
COMPLAINANT

DISCRIMINATION PROCEEDING  
  
Docket No. VA 85-5-D  
MSHA Case No. NORT CD 84-7  
  
Mine No. 1

v.

RAVEN RED ASH COAL  
CORPORATION,  
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Koutras

This proceeding concerns a temporary reinstatement application filed by MSHA on December 26, 1984, on behalf of the complainant Larry Collins. The case was originally docketed as VA 85-5-D, and Chief Judge Merlin issued an Order on December 26, 1984, requiring the temporary reinstatement of Mr. Collins pending a hearing on the merits of his complaint. No further action was taken on the reinstatement, and MSHA never requested enforcement of Judge Merlin's order. Subsequently, on August 23, 1985, MSHA filed its discrimination complaint on behalf of Mr. Collins, as well as another miner, Earl Kennedy, and the cases were assigned Docket No. VA 85-32-D.

On April 7, 1986, I issued my dispositive decision in Docket No. VA 85-32-D. Under the circumstances, the temporary reinstatement petition filed on behalf of Mr. Collins is moot, and this matter should be dismissed. Accordingly, the case docketed as VA 85-5-D is dismissed.

George A. Koutras  
Administrative Law Judge