

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

JUL 24 1986

SILAS NOBLE, : DISCRIMINATION PROCEEDING
Complainant :
v. : Docket No. KENT 86-17-D
: MSBA CASE NO BARB CD 85-34
PATSY JANE COAL CORPORATION, :
Respondent : Surface No. 1 Mine

ORDER OF DISMISSAL

Before: Judge **Melick**

The Complainant, Silas Noble, alleges in a Complaint of Discrimination that he was laid off because "[a]t the time I was laid off they kept people that had less seniority than I had." Respondent thereafter moved to dismiss the Complaint on the grounds that it failed "to state a claim upon which relief can be granted under section 105(c)."

An Order to Show Cause was then issued providing the Complainant with an opportunity to explain why this case should not accordingly be dismissed. No response to that Order has been filed and the Respondent's Motion to Dismiss is thus granted.

The captioned case is accordingly dismissed.

Gary Melick
Administrative Law Judge
(703) 756-6261

Distribution:

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