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JOHNNY WALL V. DAVIDSON MINING  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

JOHNNY WALL,  
COMPLAINANT

v.

DAVIDSON MINING, INC.,  
RESPONDENT

DISCRIMINATION PROCEEDING

Docket No. WEVA 86-87-D  
MSHA Case No. HOPE CD 86-1

No. 1 Mine

ORDER OF DISMISSAL

Before: Judge Koutras

Statement of the Case

This discrimination case was scheduled for a hearing on October 21, 1986, in Beckley, West Virginia, and the parties were so informed by my Notice of Hearing of August 6, 1986. On September 25, 1986, complainant's counsel Kathryn R. Bayless advised me by telephone that the parties agreed to settle the matter, and that they would file their joint settlement agreement with me within the next week. In view of the settlement, the scheduled hearing was cancelled, and the parties were so informed by my order of October 9, 1986. The parties were requested to file their settlement agreement with me by October 19, 1986. They have failed to do so.

In view of the failure by the parties to file their settlement agreement with me, or to otherwise communicate with me regarding the status of the case, I issued an order on November 11, 1986, directing the parties to show cause why this matter should not be dismissed because of their failure to respond to my orders. The parties have again failed to respond.

ORDER

In view of the failure by the parties to respond to my Orders, this matter IS DISMISSED.

George A. Koutras  
Administrative Law Judge