

CCASE:
SOL (MSHA) V. WESTMORELAND COAL
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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 SAM BALL,
COMPLAINANT
v.

DISCRIMINATION PROCEEDING
Docket No. VA 86-23-D
NORT CD 85-9

WESTMORELAND COAL COMPANY,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Broderick

On November 4, 1986, the Secretary filed a motion to withdraw the complaint, based on a settlement agreement between the parties. Respondent supported the motion. By the settlement agreement, Respondent agreed not to discriminate against any miner or representative of miners in violation of the Act, and, in particular agreed not to discriminate against Sam Ball or any other miner in making job assignments because of their status as miners' walkaround representatives. Respondent agreed to post a copy of the settlement agreement for a period of 60 days.

On January 8, 1987, counsel for Respondent certified that the settlement agreement had been posted by Respondent for a period of 60 days.

Accordingly, the motion to withdraw the complaint pursuant to the settlement agreement is GRANTED, and this proceeding is DISMISSED.

James A. Broderick
Administrative Law Judge