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SOL (MSHA) V. BETH ENERGY MINES
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
DONALD F. RADOS,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. PENN 90-106-D
PITT CD 90-06

Livingston Portal
Eighty-Four Complex

v.

BETH ENERGY MINES, INC.,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Melick

The Secretary of Labor requests approval to withdraw its Complaint in the captioned case on the grounds that she now believes there is insufficient evidence to establish a violation of Section 105(c) of the Federal Mine Safety and Health Act of 1977. Under the circumstances herein, permission to withdraw is granted. 29 C.F.R. 2700.11. This case is therefore dismissed. The undersigned has no authority in this case to modify the statutory filing requirements in a potential future case so the request of the Secretary to permit the individual miner "a period of 30 days to file a complaint on his own behalf" is denied.

Gary Melick
Administrative Law Judge