

CCASE:  
MICHAEL E. HOLLAND v. CONSOLIDATION COAL  
DDATE:  
19910827  
TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
2 Skyline, 10th Floor  
5203 Leesburg Pike  
Falls Church, Virginia 22041

MICHAEL E. HOLLAND,  
COMPLAINANT

v.

CONSOLIDATION COAL COMPANY,  
RESPONDENT

DISCRIMINATION PROCEEDING

Docket No. WEVA 90-315-D  
MSHA Case No. HOPE CD 90-17

Amonate No. 31 Mine

DECISION

Appearances: H. John Taylor, Esq., Rand, West Virginia for  
Complainant;  
Laura E. Beverage, Esq., Jackson and Kelly,  
Beckley, West Virginia for Respondent.

On August 13, 1991, Complainant moved to withdraw his pleadings in this case, and to withdraw his claims against Respondent. Based on the assertions of counsel which were presented orally on the record on August 13, 1991, Complainant's Motion is allowed.

It is ORDERED that this case to be DISMISSED with prejudice.

It is further ORDERED that the Complainant's claims against the Respondent, as articulated in his complaint, his five-page statement to the investigator and his responses to discovery, are hereby DISMISSED with prejudice to the Complainant. This Order specifically includes any claim by the Complainant that the Respondent has discriminated against him on the basis of his Part 90 status, that the Respondent has discriminated against him by requiring him to wear metatarsal boots, and that the Complainant has engaged in a protected work refusal by refusing to wear metatarsal boots.

Avram Weisberger  
Administrative Law Judge