

CCASE:
ELMER BURGAN V. HARLAN CUMBERLAND COAL
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ELMER DARRELL BURGAN, : DISCRIMINATION PROCEEDING
Complainant :
 :
v. : Docket No. KENT 92-915
 : BARB-CD-92-31
 :
HARLAN CUMBERLAND COAL CO., : Harlan Mine
Respondent :

ORDER OF CONTINUANCE

Before me for consideration is a Joint Motion for Continuance of the hearing in this matter scheduled for December 22, 1992, in Lexington, Kentucky. The instant motion is predicated on the parties' intention to seek consolidation of this proceeding with the complainant's discrimination claim against Dixie Fuel Company, a case that has yet to be docketed or assigned to me. Harlan Cumberland Coal Company and Dixie Fuel Company are apparently commonly owned. This matter allegedly concerns safety complaints made by Mr. Burgan at the Harlan Cumberland Coal Company and Mr. Burgan's subsequent transfer and ultimate discharge from his employment at the Dixie Fuel Company.

In their Joint Motion, the parties have agreed to inform me when discovery is completed in the Dixie Fuel case. Upon completion of discovery and the assignment of the Dixie Fuel matter to me, I will issue an order addressing the complainant's request for consolidation and the rescheduling of these trial proceedings.

In view of the above, the parties' Joint Motion for Continuance IS GRANTED, and the hearing in this discrimination matter is continued without date.

Jerold Feldman
Administrative Law Judge
(703) 756-5233

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