

CCASE:
GARY DAY V. ADENA FUELS
DDATE:
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TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

GARY L. DAY, : DISCRIMINATION PROCEEDING
Complainant :
 :
v. : Docket No. KENT 92-547-D
 : BARB CD 92-15
 :
ADENA FUELS, INCORPORATED, : Diamond No. 1 Mine
Respondent :

ORDER OF DISMISSAL

Counsel for the parties have agreed to settle this matter, and counsels have moved jointly to dismiss Complainant's discrimination complaint on the basis of the settlement agreement. The record reveals no reason why their motion should not be granted. ACCORDINGLY, this matter is DISMISSED.(Footnote 1)

David Barbour
Administrative Law Judge
(703) 756-6200

Distribution:

Tony Oppedard, Esq., Mine Safety Project of the Appalachian Research and Defense Fund of Kentucky, Inc., 630 Maxwellton Court, Lexington, KY 40508 (Certified Mail)

Mr. Gary Lee Day, HC 65, Box 494, Similax, KY 41764 (Certified Mail)

Jerry Wayne Slone, Esq., Weinberg & Campbell, Adena Fuels, Inc., P.O. Box 727, Main Street, Hindman, KY 41822 (Certified Mail)

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1 The settlement agreement is confidential and the parties have requested that it not be made part of the record of this proceeding. Therefore, with the concurrence of counsel, the agreement has been placed under seal in the official file.