

CCASE:  
SOL (MSHA) V. THOMASVILLE STONE & LIME  
DDATE:  
19940126  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDINGS
MINE AND SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 93-433-DM
ON BEHALF OF	:	
JAMES A. WEATHERINGTON,	:	NE-MD 93-01
Complaint	:	
	:	
v.	:	
	:	
THOMASVILLE STONE & LIME	:	
COMPANY,	:	
Respondent	:	
	:	
	:	
SECRETARY OF LABOR,	:	Docket No. PENN 93-434-DM
MINE AND SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	NE-MD 93-02
ON BEHALF OF	:	
DALE H. HOKE,	:	Thomasville Mine
Complaint	:	
	:	
v.	:	
	:	
THOMASVILLE STONE & LIME	:	
COMPANY,	:	
Respondent	:	

ORDER OF DISMISSAL

Before: Judge Hodgdon

These cases are before me on complaints of discrimination under Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 815(c). The complainants, by counsel for the Secretary, have filed a motion to withdraw their discrimination complaints and to dismiss the cases.

This motion is being made pursuant to a settlement agreement between the parties. In the agreement, the Respondent agreed "to remove, upon execution of this Agreement, any and all documents from all personnel and other files that it maintains on [the

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complainants] related to the period and events at issue in this case" and the Complainants agreed to " withdraw the complaint of discrimination which was filed with the Mine Safety and Health Administration on October 30, 1992" and to authorize "the Secretary of Labor to seek dismissal of the Complaint filed with the Federal Mine Safety and Health Review Commission."

It appears that the parties have carried out their commitments under the settlement agreement. Accordingly, the motion to withdraw the discrimination complaints and to dismiss the cases is GRANTED and the captioned cases are DISMISSED with prejudice.

T. Todd Hodgdon  
Administrative Law Judge  
(703) 756-4570

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