

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 Skyline, Suite 1000
5203 Leesburg Pike
Falls Church, Virginia 22041

October 3, 2001

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 2001-146-DM
ON BEHALF OF	:	SC MD 00-25
LEE GARRETT,	:	
Complainant	:	Arkansas Operations Mill
	:	
UNITED STEEL WORKERS OF AMERICA,	:	
LOCAL 4880	:	
Intervenor	:	
	:	Mine ID 03-00257
v.	:	
	:	
ALCOA WORLD ALUMINA, LLC, and	:	
its successors,	:	
Respondent	:	

DECISION

Appearances: Madeleine T. Le, Esq., Tina D. Campos, Esq., and Connie M. Ackerman, Esq., Office of the Solicitor, U.S. Department of Labor, Dallas, Texas, for Complainant; Dan A. Henry, President, United Steel Workers of America, Local 4088, Benton, Arkansas, *pro se*, for Intervenor; Harold J. Engel, Esq., and Rebecca E. Silberbogen, Esq., Arent Fox Kintner Plotkin & Kahn, PLLC, Washington, D.C., for Respondent.

Before: Judge Hodgdon

This case is before me on a Complaint of Discrimination brought by the Secretary of Labor, acting through her Mine Safety and Health Administration (MSHA), on behalf of Lee Garrett, against Alcoa World Alumina, LLC, under Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c). A hearing was held in Benton, Arkansas, on July 24, 2001. Further proceedings in the case were continued until October 9, 2001. For the reasons set forth below, the case is dismissed.

The parties have filed a Motion to Dismiss the proceedings because they “have reached an amicable settlement of the issues” and the Complainant has stated that he wishes to withdraw his

complaint. In a separate filing, the Secretary has moved to withdraw her Petition for Assessment of Civil Penalty. Commission Rule 11, 29 C.F.R. § 2700.11, provides that "[a] party may withdraw a pleading at any stage of a proceeding with the approval of the Judge or the Commission."

Accordingly, the motions for leave to withdraw are **GRANTED** and it is **ORDERED** that this case is **DISMISSED**. In view of the dismissal, the hearing scheduled for October 9, 2001, is **CANCELED**.

T. Todd Hodgdon
Administrative Law Judge

Distribution: (Certified Mail)

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