

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Avenue, N.W., Suite 9500
Washington, DC 20001

January 11, 2005

SECRETARY OF LABOR, MSHA,	:	TEMPORARY REINSTATEMENT
on behalf of AARON R. RANDOLPH,	:	PROCEEDING
Complainant	:	
	:	Docket No. CENT 2005-68-DM
	:	SC-MD 2005-04
	:	
v.	:	
	:	
	:	
CHRISTY MINERALS COMPANY,	:	Mine ID 23-01545
Respondent	:	Christy Minerals Plant

ORDER OF TEMPORARY REINSTATEMENT

This case is before me based on an Application For Temporary Reinstatement filed on December 28, 2004, by the Secretary of Labor on behalf of Aaron R. Randolph pursuant to section 105(c)(2) of the Federal Mine and Safety Health Act of 1977, 30 U.S.C. § 815(c)(2). Christy Minerals Company (Christy) requested a hearing that was scheduled for January 13, 2005. During the course of a January 10, 2005, telephone conference with the parties, Christy’s counsel withdrew its request for a hearing and represented that Christy was not contesting Randolph’s temporary reinstatement.

Accordingly, **IT IS ORDERED** that Christy Minerals Company **SHALL IMMEDIATELY REINSTATE** Aaron R. Randolph to his former position at his former rate of pay. Randolph’s Christy Minerals Company reinstatement shall be effective no later than the start of business on the day following the date of this Order. Randolph’s reinstatement shall include entitlement to all benefits associated with his employment.

Randolph’s reinstatement shall not prejudice Christy’s right to contest Randolph’s discrimination complaint that currently is being investigated by the Secretary. The Secretary should endeavor to complete, as soon as practicable, her investigation so that this matter may proceed to an evidentiary hearing on the merits. If the Secretary, upon investigation, finds that the provisions of section 105(c) have not been violated, she shall file a motion to vacate this Order of Temporary Reinstatement.

Jerold Feldman
Administrative Law Judge
(202) 434-9967

Distribution: **(VIA FACSIMILE AND CERTIFIED MAIL)**

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