

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

March 10, 1995

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 94-1274-D
ON BEHALF OF CHARLES H.	:	
DIXON,	:	PIKE CD 94-16
Complainant	:	Mine ID 15-09571
	:	
v.	:	
	:	
PONTIKI COAL CORPORATION,	:	
Respondent	:	

AMENDED ORDER GRANTING PARTIAL DISMISSAL

At hearings held March 9, 1995, on the Respondent's Motions to Dismiss, evidence by way of an affidavit from Charles H. Dixon was admitted indicating that he may have been a "representative of miners" at some time prior to April 15, 1994. Accordingly that part of the interlocutory Order issued February 6, 1995, which held that Complainant Dixon had not become a "representative of miners" before April 15, 1994, is amended by deletion.

A determination as to when Mr. Dixon became a "representative of miners" (and the related determination of which alleged acts of discrimination may be considered) is, therefore, deferred until hearings on the merits or other appropriate proceedings at which a full evidentiary airing of the issue may be provided.

Gary Melick
Administrative Law Judge

Distribution:

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