

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

February 10, 1995

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE AND SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 94-532-D
ON BEHALF OF	:	MSHA Case No. WILK CD 94-02
WILLIAM PLOXA,	:	
Complainant	:	Knickerbocker M-112
v.	:	
	:	
READING ANTHRACITE COMPANY,	:	
Respondent	:	
	:	

ORDER OF DISMISSAL

Before: Judge Feldman

The Secretary has filed a settlement motion that seeks my approval of his request to withdraw the discrimination complaint filed in this matter on behalf of William Ploxa pursuant to Section 105(c)(2) of the Mine Safety and Health Act of 1977, 30 U.S.C. ' 815(c)(2). The settlement terms include Mr. Ploxa's withdrawal of his subject complaint filed with the Mine Safety and Health Administration as well as the rescission of the \$5,000 civil penalty proposed by the Secretary against the respondent in this case. In return, the respondent has agreed to expunge Mr. Ploxa's personnel file of any and all evidence of disciplinary action taken against him as a result of his conduct on or about March 25, 1994, and any related subsequent conduct.

Under the circumstances herein, permission for the Secretary to rescind the proposed civil penalty and withdraw the complaint filed on behalf of William Ploxa **IS HEREBY GRANTED**. Upon satisfaction of the terms of the settlement agreement, the above captioned discrimination complaint **IS DISMISSED** with prejudice.

Jerold Feldman  
Administrative Law Judge

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