

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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May 17, 1995

SECRETARY OF LABOR,	:	TEMPORARY REINSTATEMENT
MINE SAFETY AND HEALTH	:	PROCEEDING
ADMINISTRATION (MSHA),	:	
on behalf of	:	Docket No. WEST 95-423-DM
CODY CHERRY,	:	
Complainant	:	TVX Mineral Hill Mine
	:	
v.	:	Mine I.D. 24-01145
	:	
TVX MINERAL HILL MINE,	:	
Respondent	:	

ORDER OF DISMISSAL

Before: Judge Manning

The Secretary of Labor has moved to withdraw its application for temporary reinstatement of Cody Cherry. The motion states that Mr. Cherry no longer wishes to be reinstated to his previous position at the mine because he has found other employment. The motion further states that the Secretary may decide to pursue back pay and a civil penalty in a separate discrimination proceeding. For good cause shown, the motion is **GRANTED**, and this proceeding is **DISMISSED**.

Richard W. Manning
Administrative Law Judge

Distribution:

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