

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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December 22, 2003

SECRETARY OF LABOR,	:	TEMPORARY REINSTATEMENT
MINE SAFETY AND HEALTH	:	PROCEEDING
ADMINISTRATION (MSHA),	:	
on behalf of JOSEPH M. ONDREAKO,	:	Docket No. WEST 2003-403-DM
Applicant	:	MSHA No. RM MD 03-11
	:	
v.	:	Bingham Canyon Mine
	:	
KENNECOTT UTAH COPPER CORP.,	:	Mine I.D. 42-00149
Respondent	:	

ORDER DISSOLVING ORDER OF TEMPORARY REINSTATEMENT

On October 9, 2003, I ordered Kennecott Utah Copper Corporation to temporarily reinstate Joseph M. Ondreako pursuant to section 105(c)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §815(c)(2) and 29 C.F.R. § 2700.45(e). 25 FMSHRC 612 (Oct. 2003), *aff'd* 25 FMSHRC 585 (Oct. 2003). Counsel for the Secretary of Labor notified me that the Secretary “has determined that the facts disclosed during the investigation do not constitute a violation of section 105(c).” (December 17, 2003, letter of Carolyn T. James, Technical Compliance and Investigation Office, Mine Safety and Health Administration). As a consequence, counsel for the Secretary states that the Secretary will not file a complaint of discrimination on behalf of Mr. Ondreako. Therefore, pursuant to 29 C.F.R. § 2700.45(g), the order of temporary reinstatement in this case is **DISSOLVED**.

Richard W. Manning
Administrative Law Judge

Distribution:

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