

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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November 21, 2007

VURNUN EDWURD JAXUN,	:	DISCRIMINATION PROCEEDING
Complainant	:	
	:	
v.	:	Docket No. WEST 2007-811-DM
	:	RM MD 2006-06
	:	
ASARCO, LLC	:	
Respondent.	:	San Mission Mine
	:	Mine ID 02-00135

AMENDED
ORDER DENYING REQUEST FOR REASSIGNMENT
ORDER DENYING STAY OF ASSIGNMENT ORDER
ORDER TO FILE COMPLAINT

My November 8, 2007 order is amended as follows (amended language is in bold italics):

Jaxun's request for reassignment is **DENIED**, and, as Jaxun has provided no basis for a stay, the request for stay of the Order of Assignment is also **DENIED**. This case will proceed pursuant to the Mine Act and the Commission's Procedural Rules.

In addition, as Docket No. WEST 2007-811-DM is a new case before the Commission, Jaxun is **ORDERED** to submit the following within 30 days of the date of this order:

1. A copy of the original complaint to the Mine Safety and Health Administration (MSHA).
2. A copy of the return receipt (green card) from delivery of the complaint to the mine operator. If he has not done so already, Jaxun must send the complaint to the operator by certified mail, return receipt requested. A note to the operator should be enclosed indicating Jaxun's disagreement with MSHA's **determination** and **stating that he is** requesting the Commission's review of the case.
3. A statement of the relief sought, such as as reinstatement, back pay, etc.

4. A copy of the letter from MSHA stating that its investigation determined that a discrimination did not occur.

Jaxun's 30-day time period begins from the date of this order rather than the date of the November 8 order.

Robert J. Lesnick
Chief Administrative Law Judge

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