

CCASE:  
VINCENT BRAITHWAITE V. TRI-STAR MINING  
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March 25, 1994

VINCENT BRAITHWAITE	:	
Petitioner	:	
	:	
v.	:	Docket No. WEVA 91-2050-D
	:	
	:	
TRI-STAR MINING	:	
Respondent	:	

ORDER

The Commission issued its decision in this proceeding on December 23, 1993, in which it reversed the administrative law judge's decision and dismissed the discrimination complaint brought by complainant, Vincent Braithwaite under section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 815(c)(3)(1988). In a letter dated March 5, 1994, the complainant raised with the Commission several issues relating to its decision. Upon due consideration of the letter, which we have treated as a timely filed motion for reconsideration(Footnote 1) (see Commission Procedural Rule 78, 29 C.F.R. 2700.78 (1993)), we deny the request for reconsideration of the Commission's decision.(Footnote 2)

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Arlene Holen, Chairman

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Richard V. Backley, Commissioner

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Joyce A. Doyle, Commissioner

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1 Commission records reflect that Vincent Braithwaite was mailed a copy of the decision at the time of its issuance, December 23, 1993. However, by letter dated February 4, 1994, Mr. Braithwaite inquired as to the status of the case. The Commission sent a copy of the decision to Mr. Braithwaite on February 23, 1994.

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2Pursuant to section 113(c) of the Mine Act, 30 U.S.C. 823(c), we have designated ourselves as a panel of three members to exercise the powers of the Commission.