

CCASE:

LOCAL UNIONS 762,6430, & 6159 (UMWA) V.

LABELLE PROCESSING VESTA MINING & A.T. MASSEY COAL

DDATE:

19850329

TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

LOCAL UNION 762, DISTRICT 5,
(VESTA #5 MINE), UNITED MINE
WORKERS OF AMERICA (UMWA),

COMPENSATION PROCEEDING

Docket No. PENN 84-92-C

LOCAL UNION 6430, DISTRICT 4,
(GATEWAY MINE), UNITED MINE
WORKERS OF AMERICA (UMWA),

LaBelle Preparation Plant

LOCAL UNION 6159, DISTRICT 4,
(BOBTOWN MINE), UNITED MINE
WORKERS OF AMERICA (UMWA),
COMPLAINANTS

v.

LABELLE PROCESSING COMPANY,
VESTA MINING COMPANY, AND
A.T. MASSEY COAL COMPANY,
INC.,

RESPONDENTS

ORDER GRANTING MOTION TO DISMISS

Before: Judge Steffey

Counsel for complainants filed on March 26, 1985, in the above-entitled proceeding a motion to withdraw the complaint for compensation and "for an order dismissing the above proceedings with prejudice but without findings of fact or conclusions of law." The motion states that complainants' counsel has discussed the filing of the motion with respondents' counsel and that respondents are not opposed to the grant of the motion and the dismissal of the proceedings.

A large number of pleadings have been filed by the parties in this proceeding and I have issued several orders granting or denying various procedural requests, but no ruling has been made with respect to the merits of the complaint. Inasmuch as complainants are the parties who instituted the proceeding and inasmuch as respondents have no objection to the grant of the motion, I find that good cause has been shown for granting complainants' motion.

WHEREFORE, it is ordered:

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The motion to withdraw the complaint for compensation filed on March 26, 1985, is granted, the complaint is deemed to have been withdrawn, and all further proceedings in Docket No. PENN 84-92-C are dismissed with prejudice.

Richard C. Steffey
Administrative Law Judge