

CCASE:
CHARLES J. ELLETT, v. PEABODY COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

CHARLES J. ELLETT,
COMPLAINANT

DISCRIMINATION PROCEEDING

v.

Docket No. LAKE 85-34-D

PEABODY COAL COMPANY,
RESPONDENT

MSHA Case No. VINC CD 85-01

Marissa Mine

ORDER OF DISMISSAL

Before: Judge Steffey

A prehearing order was issued in the above-entitled proceeding on February 5, 1985. Several extensions of time within which to reply to the prehearing order were thereafter granted because of complainant's poor health.

Counsel for complainant filed on September 16, 1985, a request that the proceeding be dismissed because the relief which he might obtain from a successful completion of this proceeding would be inadequate in view of the fact that complainant is unable to return to work because of his physical condition.

I find that good cause has been shown for granting the request to dismiss.

WHEREFORE, it is ordered:

The request to dismiss filed on September 16, 1985, is granted and the complaint filed in Docket No. LAKE 85-34-D is dismissed.

Richard C. Steffey
Administrative Law Judge