

CCASE:
RAE JEWELL BEAVER v. CEDAR COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

RAE JEWELL BEAVER,
COMPLAINANT

v.

CEDAR COAL COMPANY,
RESPONDENT

DISCRIMINATION PROCEEDING

Docket No. WEVA 85-100-D
MSHA Case No. HOPE 84-17

Surface Mine

ORDER OF DISMISSAL

Appearances: Paul K. Reese, Esq., UMWA, Charleston, West
Virginia, for Complainant;
Joseph M. Price, Esq., Robinson & McElwee,
Charleston, West Virginia, for Respondent

Before: Judge Melick

Complainant requests approval to withdraw her Complaint in
the captioned case upon the following agreement between the
parties hereto:

(1) That Cedar Coal Company policy provide that any employee
may, upon reasonable advance notice, review his/her personnel
file.

(2) That any job references relative to Rae Jewell Beaver
will be neutral, and any reference to the incident involved in
this complaint will be expunged from complainant's file.

(3) That Cedar Coal Company will provide drillers with
either transportation or communication sufficient to meet all
applicable safety and health statutes and regulations.

Under the circumstances herein, permission to withdraw the
Complaint is granted. 29 C.F.R. 2700.11. The case is therefore
dismissed.

Gary Melick
Administrative Law Judge