

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

July 30, 1986

SECRETARY OF LABOR,	:	DISCRIMINATION COMPLAINT
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. LAKE 86-39-DM
ON BEHALF OF STERLING	:	
SCHULTZ,	:	MSHA Case No. MD 85-03
Complainant	:	
	:	Tilden Mine
v.	:	
	:	
CLEVELAND CLIFFS IRON CO.,	:	
Respondent	:	

ORDER OF DISMISSAL

Before: Judge Broderick

The Secretary filed this complaint on behalf of Sterling Schultz alleging that on September 18, 1984, Respondent intimidated Complainant because he assisted MSHA inspectors in conducting safety and health inspections. Respondent denied the allegation. The case does not involve any claim for back pay or damages. On July 22, 1986, the Secretary filed a Motion to Dismiss this proceeding. It included a settlement for the Secretary and Respondent. Respondent agrees to abide by section 105(a) of the Act and states that it will not take any disciplinary action against Complainant for exercising his rights under section 105(a). Respondent states that Complainant's personnel records do not contain any reference to the incidents of September 18, 1984, for which this complaint was filed. Respondent regrets the incident of September 18, 1984, and any misunderstanding that may have arisen from it.

Based on the facts stated in the motion and the agreement of the parties, the motion is GRANTED, and this proceeding is DISMISSED.

James A. Broderick
James A. Broderick
Administrative Law Judge

Distribution:

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