

CCASE:
GLADYS JOHNSON V. FREEMAN UNITED COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

GLADYS B. JOHNSON,
COMPLAINANT

DISCRIMINATION PROCEEDING

v.

Docket No. LAKE 87-53-D
VINC CD 87-04

FREEMAN UNITED COAL MINING
COMPANY,
RESPONDENT

Orient No. 4 Mine

ORDER OF DISMISSAL

Before: Judge Melick

Complainant requested to withdraw her Complaint of Discrimination in the captioned case on the grounds that she is unable to pursue the matter because of financial and other problems. She states that she understands the consequences of withdrawal and dismissal and that it is a final disposition of these proceedings. Under the circumstances herein, permission to withdraw is granted. 29 C.F.R. 2700.11. This case is therefore dismissed with prejudice and the hearing scheduled for November 24, 1987, is cancelled.

Respondent's request for costs, attorney's fees and other sanctions for the Complainant's failure to appear at scheduled depositions is denied for failure to meet the conditions set forth in FED.R.CIV.P. 37.

Gary Melick
Administrative Law Judge
(703) 756-6261