

CCASE:
SOL (MSHA) V. HARLAN CUMBERLAND COAL
DDATE:
19900123
TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION, (MSHA),
ON BEHALF OF CHARLES SCOTT HOWARD,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. KENT 90-31-D

C-2 Mine

v.

HARLAN CUMBERLAND COAL COMPANY,
RESPONDENT

ORDER OF DISMISSAL

On January 16, 1990, Petitioner filed a Motion to Dismiss. The Motion alleges that that it is made in accordance with section 105(c)(3) of the Federal Mine Safety and Health Act of 1977 (the Act), in that ". . . factual information now available to the Secretary causes her to conclude that she cannot successfully prosecute this Litigation." On January 18, 1990, Respondent filed a statement indicating that it does not oppose this Motion.

Accordingly the Motion is GRANTED.

It is ORDERED that Miner Charles S. Howard shall have 30 days, after entry of this Order, to file an action in his own behalf under section 105(c) of the Act. It is further ORDERED that this case be DISMISSED.

Avram Weisberger
Administrative Law Judge