

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

July 20, 1995

IRVIN RODGERS, II, : DISCRIMINATION PROCEEDING
Complainant :
v. : Docket No. SE 95-184-DM
: MSHA Case No. SE MD 95-01
FLORIDA ROCK INDUSTRIES, INC., :
Respondent : Diamond Hill Quarry
: Mine I.D. No. 08-00026

ORDER OF DISMISSAL

Before: Judge Amchan

This case is before me pursuant to section 105(c) of the Federal Mine Safety and Health Act, 30 U.S.C. ' 801 et seq. The parties have filed a joint motion to withdraw their pleadings. Respondent has agreed not to seek recovery of its attorney's fees from Complainant. The parties agree that this withdrawal bars any future discrimination claims against Respondent, whether instituted by MSHA or Complainant. Further, the parties agree to relinquish any and all claims, including federal and state statutory or common law claims which accrued upon Complainant's termination from Florida Rock Industries.

I interpret this agreement to apply only to claims arising out of the November 22, 1994, termination of Complainant by Respondent. I do not interpret this agreement to apply to any future event which Complainant may deem to violate section 105(c) or any other legal right.

The parties' motion is **GRANTED**. This case is dismissed with the understanding that this order bars Complainant from filing any other action under the Federal Mine Safety and Health Act that seeks redress for his November 22, 1994, termination by Respondent.

Arthur J. Amchan
Administrative Law Judge

Distribution:

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