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SOL (MSHA) v. 4-A COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF DONALD R. HALE,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. VA 85-29-D
NORT CD 83-8

v.

4-A COAL COMPANY, INC.,
RESPONDENT

No. 4 Mine

ORDER

Before: Judge Kennedy

On August 29, 1985, the operator filed and served a motion to dismiss the captioned wrongful discharge case on the grounds it was untimely. Under the Commission Rules, the Secretary had 10 days to respond. The Secretary having failed to respond or otherwise oppose the operator's motion or to seasonably move for an enlargement of time, it is ORDERED that the operator's motion be, and hereby, is GRANTED and the case DISMISSED. See Rules 9, 10, and 41.

Joseph B. Kennedy
Administrative Law Judge