

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**1730 K STREET, N.W., 6<sup>TH</sup> FLOOR**

**WASHINGTON, D. C. 20006-3868**

May 12, 1999

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. PENN 99-147  
Petitioner : A. C. No. 36-00930-03604  
: :  
v. : Rayne No. 1  
RAYNE ENERGY INCORPORATED, :  
Respondent :

**ORDER TO RESUBMIT PENALTY PETITION**

This case is before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977. On April 26, 1999, a penalty petition was filed on behalf of the Secretary which was answered by the operator on May 3, 1999.

The penalty petition was filed by the Philadelphia Regional Counsel but was not signed by the Regional Counsel. Rather, an individual who styles herself as a "paralegal specialist" signed for the Regional Counsel. I have no idea who this "paralegal specialist" is or what her qualifications are. I have recently refused to accept a settlement motion filed by a paralegal from this regional office as well as penalty petitions and a settlement motion filed by law clerks from another regional office. Rayne Energy Inc., 21 FMSHRC \_\_\_\_\_, (April 29, 1999); Phoenix Associates Land Service Inc., 21 FMSHRC \_\_\_\_\_, (May 3, 1999); Bowen Industries, Inc., Docket No. CENT 98-268-M, 21 FMSHRC \_\_\_\_\_, (April 26, 1999). The petition filed in this case must be refiled and signed by an attorney in the Office of the Solicitor. Otherwise a show cause order will be issued why this case should not be dismissed for want of prosecution.

In light of the foregoing, it is ORDERED that within 21 days of the date of this order the penalty petition be resubmitted and signed by an attorney in the Office of the Solicitor.

Paul Merlin  
Chief Administrative Law Judge

Distribution: (Certified Mail)

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