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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION  
WASHINGTON, D.C.  
March 6, 1979

ALEXANDER BROTHERS, INC.,  
Petitioner

v. Docket Nos. HOPE 78-161-167

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)

#### DECISION

On March 1, 1978, Administrative Law Judge L. K. Luoma dismissed an applications for review, filed by Alexander Brothers, Inc., of withdrawal orders issued under the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. §801 et seq. (1976) (amended 1977). The Judge found that the applications were not timely filed under section 105(a)(1) of that Act, and held, in accordance with precedents of the Interior Department's former Board of Mine Operations Appeals, 1/ that he could not extend the thirty day deadline of section 105(a)(1). On October 11, 1978, we granted a petition for discretionary review filed by Alexander Brothers.

We have considered the arguments of the parties, 2/ and we conclude that Judge Luoma correctly decided this case for the reasons he assigned. His order of dismissal is accordingly affirmed.

1/ Freeman Coal Mining Co., 1 IBMA 1 21, 1971-73 OSHD % 15,367 (1970); Consolidation Coal Co., 1 IBMA 131, 136, 1971-73 OSHD % 15,377 (1971); Jones & Laughlin Steel Corp., 5 IBMA 1, 2 (1975).

2/ On January 31, 1979, the Commission denied a motion by Alexander Brothers to file a reply brief. On February 15, 1979, Alexander Brothers moved for reconsideration of that denial, and attached a brief in support of its motion. Neither the motion nor the brief present adequate reasons why the Commission should reconsider and

reverse its previous ruling. The motion to reconsider is therefore denied.