

CCASE:  
CONSOLIDATION COAL V. SOL (UMWA)  
DDATE:  
19801105  
TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

CONSOLIDATION COAL COMPANY,  
CONTESTANT  
  
v.  
  
RAY MARSHALL, SECRETARY OF LABOR,  
UNITED STATES DEPARTMENT  
OF LABOR,  
RESPONDENT

Contest of Orders  
  
Docket No. PENN 80-287-R  
Citation No. 840695; 6/2/80  
  
Docket No. PENN 80-288-R  
Order No. 840699; 6/11/80

UNITED MINE WORKERS OF AMERICA,  
RESPONDENT  
  
Renton Mine

DECISION

Duing the course of the inspector's testimony in Penn 80-287-R the parties requested a recess. After the recess the Solicitor advised that MSHA would modify the subject section 104(d)(1) citation to a section 104(a) citation. The operator then moved to withdraw its notice of contest. The motion to withdraw was granted from the bench.

Thereupon Docket No. PENN 80-288-R was consolidated for hearing and decision with PENN 80-287-R. The Solicitor advised that MSHA also would modify the subject section 104(d)(1) order in PENN 80-288-R to a section 104(a) citation. The operator then moved to withdraw its notice of contest with respect to that matter. The motion was granted from the bench.

In light of the foregoing the above-captioned cases are hereby DISMISSED.

Paul Merlin  
Assistant Chief Administrative Law Judge