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SOL (MSHA) v. CLINCHFIELD 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),
PETITIONER

v.

CLINCHFIELD COAL COMPANY,
RESPONDENT

Civil Penalty Proceeding

Docket No. VA 80-7
A/O No. 44-00241-03013

Lambert Fork Mine

DECISION

On February 6, 1981, 4 days before this case was set to go to trial, Respondent filed a motion to dismiss and the Government announced that it would not oppose the motion. This case has been in progress since November of 1979. Numerous documents have been filed, motions to have been made and denied, and a substantial amount of time has been spent by the Government, by Respondent, and the Commission in this case.

It now turns out that the withdrawal order which was issued because of Respondent's failure to abate the citation involved in this case was before another Commission judge for review, and that on October 3, 1980, he vacated the order of withdrawal because of the invalidity of the citation. That ruling is binding upon me and upon the parties.

The citation involved herein is VACATED and this case is DISMISSED.

Charles C. Moore, Jr.
Administrative Law Judge