

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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JUN 16 1981

OZARK-MAHONING COMPANY, : Contests of Citations
Contestant :
v. : Docket No. LAKE 80-253-RM
: Citation No. 365457; 2/14/80
SECRETARY OF LABOR, :
MINE SAFETY AND HEALTH : Docket No. LAKE 80-254-RM
ADMINISTRATION (MSHA), : Citation No. 366115; 2/14/80
Respondent :
: Bamett Mine

DECISION

Shortly after the two cases captioned above were assigned to me, the Contestant agreed that they be **consolidated** with the related penalty cases when filed (see letter of May 1, 1980, from Contestant). On April 10, 1981, I was advised that the penalty cases had been filed and assigned to Judge Laurenson and had already been heard by him.

Judge Laurenson has now issued his decision in Secretary of Labor v. Ozark Mahoning Company, LAKE 80-336-M and LAKE 80-337-M (May 26, 1981).

Judge Laurenson accepted a settlement as to one of the citations involved herein and assessed a penalty as to the other citation. That decision is binding on me.

The citations under review are accordingly affirmed.

Charles C. Moore, Jr.

Charles C. Moore, Jr.
Administrative Law Judge

Distribution:

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