

CCASE:
SOL (MSHA) V. CAROLINA STALITE
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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.
CAROLINA STALITE COMPANY,
RESPONDENT

Civil Penalty Proceedings

Docket No. SE 80-21-M
Docket No. SE 80-61-M
Docket No. SE 80-73-M
Docket No. SE 80-79-M
Docket No. SE 81-6-M

Stalite Mill

DECISION AND ORDER GRANTING RESPONDENT'S
MOTION FOR SUMMARY DECISION

In view of the Solicitor's frequent failure to respond to critical motions, on May 4, 1982, I issued a written order requiring the Secretary to "fully respond" to Respondent's Motion for Summary Decision. Petitioner's response merely urged that an extension be granted pending its appeal of the dispositive decision of the Commission to the United States Court of Appeals.

By its decision dated March 29, 1982, the Commission determined that the Respondent was not a mine subject to the Federal Mine Safety and Health Act of 1977. Secretary v. Carolina Stalite Company, 4 MSHRC 423 (1982). Accordingly, Respondent's motion is granted and the five subject penalty proceedings are dismissed.

Michael A. Lasher, Jr.
Judge