

CCASE:
EASTERN COAL V. SOL (MSHA)
DDATE:
19820708
TTEXT:

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

EASTERN ASSOCIATED COAL CORP.,
CONTESTANT

v.

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

Contest of Notice

Docket No. PITT 76X203
Notice No. 1 CPB 6/24/76

Delmont Mine

ORDER OF DISMISSAL

On May 3, 1982, the Commission reversed my decision of April 14, 1977, vacating the citation issued in this case. At the same time, the Commission remanded the case to me "for further proceedings consistent with this decision."

On May 24, 1982, I directed the parties to advise me as to whether they desired to be heard further on the remand.

On June 29, 1982, respondent MSHA advised me that the violation of June 24, 1976, has been vacated and that a civil penalty was never assessed against the operator. In addition, MSHA advises that Eastern Associated Coal Corporation no longer owns the mine in question, and considering the lengthy time interval since the issuance of the citation, MSHA has decided that no further enforcement action will be initiated.

On July 1, 1982, Eastern Associated Coal Corporation advised me that it desires no further opportunity to be heard in this matter, that it does not believe that there is a necessity of further briefing, and that it would appear that there are no remaining issues to be decided.

In view of the foregoing, this matter is now DISMISSED.

George A. Koutras
Administrative Law Judge