

CCASE:  
SOL (MSHA) V. PEABODY COAL  
DDATE:  
19840604  
TTEXT:

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

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER  
v.

CIVIL PENALTY PROCEEDINGS

Docket No. WEST 84-66  
A.C. No. 02-00533-03507  
Black Mesa Mine

PEABODY COAL COMPANY,  
RESPONDENT

Docket No. WEST 84-67  
A.C. No. 02-01195-03506  
Kayenta Mine

DECISION

Appearances: John C. Nangle, Esq., Associate Regional  
Solicitor, U.S. Department of Labor, Los  
Angeles, California, for Petitioner.

Before: Judge Merlin

In accordance with the duly issued Notice of Hearing, the above-captioned cases as well as several others, came on for hearing on May 30, 1984, as scheduled. The Solicitor entered an appearance on behalf of the Mine Safety and Health Administration. Pursuant to permission given in a prior telephone conversation, operator's counsel did not appear.

The Solicitor explained that the citations were improperly cited under 30 C.F.R. 1605(d). On this basis, the Solicitor moved to withdraw the penalty petitions. The Solicitor's motion being well taken, it was granted from the bench.

Accordingly, these cases are Dismissed.

Paul Merlin  
Chief Administrative Law Judge