

FEDERAL **MINE** SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

OCT 1.8 1984

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Petitioner : Docket No. PENN 84-175
v. : A.C. No. 36-07556-03501
: Faust and Miller Breaker
FAUST AND MILLER COAL COMPANY, ;
Respondent :

ORDER OF DISMISSAL

Appearances: Mark V. Swirsky, Esq., Office of the Solicitor, U.S. Department of Labor, Philadelphia, Pennsylvania, for Petitioner;
W. J. Krencwicz, Esq., Shenandoah, Pennsylvania, for Respondent.

Before: Judge Melick

At hearing, Petitioner requested approval to withdraw his Petition for Civil Penalty in the captioned case for the reason that there is insufficient evidence to support the citation and order therein. Under the circumstances, permission to withdraw is granted. 29 CFR § 2700.11. The case is therefore dismissed.


Gary Melick
Assistant Chief Administrative Law Judge

Distribution:

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