

CCASE:  
CLIMAX MOLYBDENUM V. SOL (MSHA)  
DDATE:  
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TTEXT:

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

CLIMAX MOLYBDENUM COMPANY,  
CONTESTANT

CONTEST PROCEEDING

v.

Docket No. WEST 85-98-RM  
Citation No. 2358527; 3/21/85

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

Climax Mine

DECISION APPROVING WITHDRAWAL

Appearances: Richard W. Manning, Esq., Climax Molybdenum Company,  
Greenwich, Connecticut, for Contestant;  
Robert J. Lesnick, Esq., Office of the Solicitor,  
U.S. Department of Labor, Denver, Colorado,  
for Respondent.

Before: Judge Carlson

This contest case was consolidated for hearing with dockets WEST 85-96-RM, WEST 85-97-RM, WEST 85-99-RM, and WEST 85-120-RM. During the hearing, the parties presented extensive evidence concerning WEST 85-98-RM. Before the presentations were complete, however, the contestant, Climax Molybdenum Company, moved for leave to withdraw its notice of contest of the single citation in that docket. The Secretary did not oppose the motion.

Accordingly, Climax's motion is granted. The contest proceeding, docketed as WEST 85-98-RM (citation 2358527), is severed from those cases with which it was earlier consolidated, and is hereby ORDERED dismissed.

John A. Carlson  
Administrative Law Judge