

CCASE:
SOUTHERN OHIO V. SOL (MSHA)
DDATE:
19860307
TTEXT:

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

SOUTHERN OHIO COAL COMPANY,
CONTESTANT

v.

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

CONTEST PROCEEDING

Docket No. WEVA 86-29-R
Citation No. 2705734;
10/23/85

Martinka No. 1 Mine

ORDER OF DISMISSAL

Appearances: David A. Laing, Esq., and Alvin J. McKenna, Esq.,
Alexander, Ebinger, Fisher & Lawrence, Columbus,
Ohio, for Contestant;
Robert A. Cohen, Esq., Office of the Solicitor,
U.S. Department of Labor,
Arlington, Virginia for Respondent.

Before: Judge Broderick

Pursuant to notice, the above proceeding was called for hearing in Fairmont, West Virginia on November 20, 1985. The parties agreed on the record to a settlement of the contested citation, whereby MSHA would remove certain areas from the scope of the citation (requiring the installation of guard rails), and Contestant agreed to install berms and guardrails in the remaining areas. The abatement time of the citation was extended.

On March 5, 1986, Contestant filed a motion to withdraw its Notice of Contest on the ground that the provisions of the agreement had been effected and the citation was terminated.

Premises considered, the motion is GRANTED and this proceeding is DISMISSED.

James A. Broderick
Administrative Law Judge