

CCASE:
EMERY MINING V. SOL (MSHA)
DDATE:
19860410
TTEXT:

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

EMERY MINING CORPORATION,
CONTESTANT

CONTEST PROCEEDING

v.

Docket No. WEST 86-56-R
Citation No. 2833830; 12/20/85

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

Cottonwood Mine

DECISION

Appearances: Timothy M. Biddle, Esq. and Peter K. Levine, Esq.,
Crowell & Moring, Washington, D.C.,
for the Contestant;
James H. Barkley, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for the Respondent.

Before: Judge Morris

This is a contest proceeding initiated by contestant against the Secretary of Labor in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. (the Act).

A hearing on this case and related cases commenced on March 5, 1986 in Salt Lake City, Utah.

At the hearing contestant renewed its motion to withdraw its Notice of Contest. No person objected to the motion.

Pursuant to Commission Rule 11, 29 C.F.R. 2700.11, contestant's motion is granted and the case is dismissed.

John J. Morris
Administrative Law Judge