

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

AUG 5 1986

CONSOLIDATION COAL COMPANY, : CONTEST PROCEEDINGS
Contestant :
v. : Docket No. WEVA 86-311-R
: Order No. 2711294; 4/16/86
SECRETARY OF LABOR, :
MINE SAFETY AND HEALTH : Docket No. WEVA 86-312-R
ADMINISTRATION (MSHA), : Order No. 2711295; 4/16/86
Respondent :
: Docket No. WEVA 86-313-R
: Order No. 2711298; 4/16/86
:
: Blacksville No. 1 Mine

ORDER DISMISSING CONTESTS


Before: Judge Koutras

The captioned cases were scheduled for hearing with several other dockets heard in Morgantown, West Virginia, during the term July 29 - 31, 1986. When the cases were called, counsel for the parties advised me on the record that they have reached an agreement which will enable me to dispose of the cases without the necessity of hearings.

With regard to Docket No. WEVA 86-311-R, counsel advised me that the contested section 104(d) (2) order should be affirmed as issued and that the contestant no longer desired to contest the order and would file a motion to withdraw its contest.

With regard to Docket Nos. WEVA 86-312-R and WEVA 86-313-R, counsel advised me that MSHA has agreed to modify the contested section 104(d)(2) orders to section 104(a) citations, with "significant and substantial" (S&S) findings. Under the circumstances, contestant moved to withdraw the contests, and the request was granted.

In view of the foregoing agreements by the parties, I see no reason why these contests should not be dismissed. Accordingly, they are dismissed.


George A. Koutras
Administrative Law Judge

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