

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES

333 W. COLFAX AVENUE, SUITE 400
DENVER, COLORADO 80204

AUG 7 1986

UTAH POWER & LIGHT,	:	CONTEST PROCEEDING
substituted for	:	
EMERY MINING CORPORATION,	:	Docket No. WEST 86-141-R
Contestant	:	Order No. 283'5048; 4/23/86
	:	
v .	:	Cottonwood Mine
	:	
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	
Respondent	:	
and	:	
UNITED MINE WORKERS OF AMERICA,	:	
Intervenor	:	

DECISION

Appearances: John. Macleod, Esq., Crowell & Moring, Washington, D.C.,
for Contestant:
Edward H. Fitch, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Respondent;
Mary Lu Jordan, Esq., United Mine Workers of
America, Washington, D.C.,
Intervenor.

Before: Judge Morris

This case, heard under the provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq., (the Act) arose from an inspection of contestant's Cottonwood Mine on April 23, 1986. On that date a federal mine inspector issued Order No. 2835048 under § 104 of the Act.

A hearing on the merits commenced in Denver, Colorado on May 14, 1986.

Stipulation

The parties agreed that the ruling in WEST 86-126-R would be controlling in this case (Tr. 18-20).

Conclusions of Law


Based on the record and the stipulation of the parties, the following conclusions of law are entered:

1. The Commission has jurisdiction to decide this **case**.
2. On this date an order was entered dismissing the contest in WEST 85-126-R.
3. The contest of MSHA Order No. 2835048 herein should be dismissed.

O R D E R

Based on the stipulation of the parties and the conclusions of law I enter the following order:

The contest of Order No. 2835048 is dismissed.


John J. Morris
Administrative Law Judge

Distribution:

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