

CCASE:  
EMERY MINING V. SOL (MSHA)  
DDATE:  
19860915  
TTEXT:

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

EMERY MINING CORPORATION,  
CONTESTANT

CONTEST PROCEEDING

v.

Docket No. WEST 86-106-R  
Order No. 2833668; 3/11/86

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

Little Dove Mine

DECISION

Appearances: Timothy M. Biddle, Esq. and Susan E. Chetlin, Esq.,  
Crowell & Moring, Washington, D.C.,  
for Contestant;  
Edward J. Fitch, IV, Esq., Office of the Solicitor,  
U.S. Department of Labor, Arlington, Virginia,  
for Respondent.

Before: Judge Morris

This is a contest proceeding initiated by contestant pursuant to 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq., (the Act).

Emery contested MSHA Order No. 2833668 for a failure to abate Citation No. 2833666 issued March 10, 1986.

A hearing on the merits of this case and related cases commenced in Denver, Colorado on July 29, 1986.

At the hearing the parties advised the judge that the Secretary intended to vacate his order. In due course the order was vacated and the contestant has, accordingly, moved to withdraw the notice of contest.

Pursuant to Commission Rule 11, 29 C.F.R. 2700.11, contestant's motion is granted and the contest filed by Emery Mining Corporation is dismissed.

John J. Morris  
Administrative Law Judge