

CCASE:
SOL (MSHA) V. N.L. BAROID
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEST 85-173-M
A.C. No. 48-01405-05502

v.

Lovell Plant

N.L. BAROID/DIV/N.L.
INDUSTRIES,
RESPONDENT

DECISION

Appearances: James H. Barkley, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Mr. J.D. Fontenot, NL Baroid/NL Industries, Inc.,
Houston, Texas pro se.

Before: Judge Morris

This is a civil penalty proceeding initiated by petitioner against respondent in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalty sought here was for the violation of 30 C.F.R. 56.51(a), a mandatory standard promulgated pursuant to the Act.

After notice to the parties, a hearing on the merits commenced in Billings, Montana on November 4, 1986. At the hearing petitioner moved to vacate his citation and dismiss his petition.

Pursuant to Commission Rule 11, 29 C.F.R. 27800.11 and for good cause shown, the motion to vacate is granted.

Accordingly, the case is dismissed.

John J. Morris
Administrative Law Judge