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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 87-283  
A.C. No. 46-01867-03720

v.

Blacksville No. 1 Mine

CONSOLIDATION COAL COMPANY,  
RESPONDENT

DECISION

Appearances: Anita D. Eve, Esq., Office of the Solicitor,  
U.S. Department of Labor, Philadelphia, Pennsylvania,  
for Petitioner. Michael R. Peelish, Esq., Consolidation  
Coal Company, Pittsburgh, Pennsylvania, for Respondent.

Before: Judge Merlin

The Solicitor advises that upon further review she wishes to vacate the subject citation. Accordingly, she moves to vacate the citation and to dismiss the civil penalty proceeding in the above-referenced case.

Upon consideration, the motion is Granted, the citation is VACATED and this case is DISMISSED.

Paul Merlin  
Chief Administrative Law Judge