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SOL (MSHA) V. CONSOLIDATION COAL
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FMSHRC-WDC
May 26, 1988

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 88-76
A. C. No. 46-01454-03725

v.

Pursglove No. 15 Mine

CONSOLIDATION COAL COMPANY,
Respondent

CONSOLIDATION COAL COMPANY,
Contestant

CONTEST PROCEEDING

Docket No. WEVA 88-4-R
Order No. 2903242; 9/8/87

v.

Pursglove No. 15 Mine

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

Mine ID 46-01454

DECISION
ORDER OF DISMISSAL

Appearances: Anita D. Eve, Esq., Office of the Solicitor,
U. S. Department of Labor, Pittsburgh,
Pennsylvania, for Petitioner.

Before: Judge Merlin

These cases are a petition for the assessment of a civil penalty filed by the Secretary of Labor against Consolidation Coal Company, and the accompanying notice of contest filed by the operator. At the hearing, the Solicitor moved to withdraw the petition and have the notice of contest dismissed on the grounds that the subject citation was vacated by MSHA. On the record the Solicitor's motion to withdraw was granted. This hearing took place at the time other cases involving the parties were heard on the merits.

ORDER

The order of dismissal rendered from the bench is hereby AFFIRMED and these cases are DISMISSED.

Paul Merlin
Chief Administrative Law Judge

Distribution:

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