

CCASE:  
SOL (MSHA) V. JIM WALTER RESOURCES  
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TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
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FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
ON BEHALF OF MICHAEL L. PRICE AND  
JOE JOHN VACHA,  
COMPLAINANTS

TEMPORARY REINSTATEMENT  
PROCEEDING

Docket No. SE 87-87-D

No. 4 Mine

AND

UNITED MINE WORKERS OF  
AMERICA (UMWA),  
INTERVENOR

v.

JIM WALTER RESOURCES, INC.,  
RESPONDENT

DECISION DISMISSING TEMPORARY REINSTATEMENT PROCEEDING

Before: Judge Broderick

Following a hearing on June 29, 1987, I issued an order directing Respondent to immediately reinstate complainants Price and Vacha to the positions from which they were discharged on March 2, 1987. The order of temporary reinstatement was affirmed by the Commission on August 3, 1987. 9 FMSHRC 1305 (1987). The Commission's decision was affirmed by the Court of Appeals for the 11th Circuit. Jim Walter Resources, Inc. v. FMSHRC, No. 87-7484, (11th Cir., December 21, 1990). In the meantime, I issued a decision following a hearing on the merits in Docket No. SE 87-128-D, ordering JWR, inter alia, to permanently reinstate Price and Vacha. 10 FMSHRC 896 (1988). The Commission reversed in part and remanded the case to me in August 1990. 12 FMSHRC 1521 (1990). On December 20, 1990, I issued a decision on remand again ordering JWR to permanently reinstate Price and Vacha. 12 FMSHRC \_\_\_\_\_ (1990).

Under the above circumstances the Temporary Reinstatement Proceeding is moot. Accordingly, the above docket is DISMISSED.

James A. Broderick  
Administrative Law Judge