

CCASE:
SOL (MSHA) v. PITTSBURG & MIDWAY COAL MINING
DDATE:
19910401
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
The Federal Building
Room 280, 1244 Speer Boulevard
Denver, Co 80204

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

v.

PITTSBURG & MIDWAY COAL
MINING COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 90-53
A.C. No. 29-00224-03556

Cimarron Mine

DECISION

Appearances: Mary Witherow, Esq., Margaret Terry, Esq., Office
of the Solicitor, U.S. Department of Labor, Dallas,
Texas,
for Petitioner;

Ray D. Gardner, Esq., John Paul, Esq., The Pitts-
burg & Midway Coal Mining Co., Englewood, Colorado,
for Respondent.

Before: Judge Lasher

This is one of nine cases which were consolidated for
hearing, eight of which were either fully or partially settled
after commencement of the hearing. The settlements were approved
from the bench on the record.

The subject docket involves one Section 104(a) Citation, No.
2930777. On the basis of evidentiary considerations, the
Petitioner's motion to withdraw its prosecution was granted on
the record with the understanding that this Citation would be
ordered vacated. Such determination is here confirmed.

ORDER

Citation No. 2930777 is VACATED.

Michael A. Lasher, Jr.
Administrative Law Judge