

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR
WASHINGTON, D.C. 20006

September 4, 1991

PAUL COTTON, Contestant : CONTEST PROCEEDING
: :
: Docket No. KENT 91-897-R
: Cassette Nos. 46268665, et al.
: v. :
: Peabody Coal Company
: :
SECRETARY OF LABOR, : Mine ID 15-14074 Martwick UG
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Respondent :
: :
AND :
: :
STEVE LITTLE, Contestant : CONTEST PROCEEDING
: :
: Docket No. KENT 91-848-R
: Cassette Nos. 46268661, et al.
: v. :
: Peabody Coal Company
: :
SECRETARY OF LABOR, : Mine ID 15-14074 Martwick UG
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Respondent :
: :
AND :
SYDNEY POE, Contestant : CONTEST PROCEEDING
: :
: Docket No. KENT 91-992-R
: Decertification Letter
: v. :
: Peabody Coal Company
: :
SECRETARY OF LABOR, : Mine ID 15-07166 Sinclair
MINE SAFETY AND HEALTH : UG #2
ADMINISTRATION (MSHA), :
Respondent :
: :
AND :
ROBERT BENNETT, Contestant : CONTEST PROCEEDING
: :
: Docket No. LAKE 91-478-R
: Cassette Nos. 46267776, et al.
: v. :
: Peabody Coal Company
: :
SECRETARY OF LABOR, : Mine ID 11-02440 Marissa Mine
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Respondent :
AND :

<p style="text-align: center;">AND</p> <p>SHARELL CLARK, Contestant</p> <p style="text-align: center;">v.</p> <p>SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Respondent</p> <p style="text-align: center;">AND</p> <p>JAMES F. MATICS, Contestant</p> <p style="text-align: center;">v.</p> <p>SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Respondent</p> <p style="text-align: center;">AND</p> <p>ROBERT E. PERSINGER, Contestant</p> <p style="text-align: center;">v.</p> <p>SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Respondent</p> <p style="text-align: center;">AND</p> <p>JIMMY HAYWORTH, Contestant</p> <p style="text-align: center;">v.</p> <p>SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Respondent</p>	<p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p>CONTEST PROCEEDING</p> <p style="text-align: center;">:</p> <p>Docket No. WEVA 91-1331-R Cassette Nos. 46216752, et al.</p> <p style="text-align: center;">:</p> <p>Eastern Associated Coal Corp.</p> <p style="text-align: center;">:</p> <p>Mine ID 46-04332</p> <p style="text-align: center;">:</p> <p>Light Foot No. 1 Mine</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p>CONTEST PROCEEDING</p> <p style="text-align: center;">:</p> <p>Docket No. WEVA 91-1332-R Cassette Nos. 46277778, et al.</p> <p style="text-align: center;">:</p> <p>Peabody Coal Company</p> <p style="text-align: center;">:</p> <p>Harris No. 2 Mine ID 46-01270 Harris No. 1 Mine ID 46-01271</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p>CONTEST PROCEEDING</p> <p style="text-align: center;">:</p> <p>Docket No. WEVA 91-1333-R Cassette Nos. 46138254 et al.</p> <p style="text-align: center;">:</p> <p>Peabody Coal Company</p> <p style="text-align: center;">:</p> <p>Montcoal No. 7</p> <p style="text-align: center;">:</p> <p>Mine ID 46-01495</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p style="text-align: center;">:</p> <p>CONTEST PROCEEDING</p> <p style="text-align: center;">:</p> <p>Docket No. WEVA 91-1525-R Decertification Letter 4/30/91</p> <p style="text-align: center;">:</p> <p>Eastern Associated Coal Corp.</p> <p style="text-align: center;">:</p> <p>Harris No. 1</p> <p style="text-align: center;">:</p> <p>Mine ID 46-01271</p>
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<p>AND</p> <p>REGGIE PHILYAW, Contestant</p> <p>v.</p> <p>SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Respondent</p>	<p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p>	<p>CONTEST PROCEEDING</p> <p>Docket No. WEVA 91-1926-R Cassette Nos. 46239627, et al.</p> <p>Peabody Coal Company</p> <p>Kopperston No. 1</p> <p>Mine ID 46-01537</p>
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DECISION

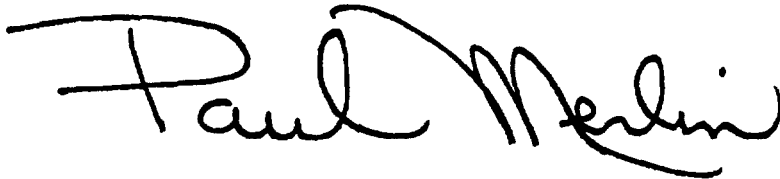
Appearances: Michael T. Heenan, Esq., Lynn M. Rausch, Esq., Smith, Heenan and **Althen, Washington, D. C.** for the Contestant: James Crawford, Esq., Robert C. Snashall, Jr., Esq., Office of the Solicitor, U. S. Department of Labor, Arlington, Virginia, for the Respondent.

Before: Judge Merlin

The parties have agreed that the decision in Brent Roberts v. Secretary of Labor, Docket No. KENT 91-896-R is controlling in the above-captioned cases.

A decision has been entered this day dismissing the complaint in Roberts.

Accordingly, it is ORDERED that these cases must be and are hereby DISMISSED.



Paul Merlin
Chief Administrative Law Judge

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