

CCASE:  
SOL (MSHA) v. CONSOLIDATION COAL  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
2 Skyline, 10th Floor  
5203 Leesburg Pike  
Falls Church, Virginia 22041

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

v.

CONSOLIDATION COAL COMPANY,  
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. PENN 91-172  
A.C. No. 36-04281-03718

Dilworth Mine

ORDER OF DISMISSAL

Appearances: Covette Rooney, Esq., Office of the Solicitor,  
U.S. Department of Labor, Philadelphia,  
Pennsylvania, for the Petitioner;  
Walter J. Scheller III, Esq., Consolidation Coal  
Company, Pittsburgh, Pennsylvania, for the  
Respondent.

Before: Judge Melick

At hearings Petitioner requested approval to withdraw its  
civil penalty petition in the captioned case on the grounds that  
there is insufficient evidence of a violation. Under the  
circumstances herein, permission to withdraw is granted. 29  
C.F.R. 2700.11. This case is therefore dismissed.

Gary Melick  
Administrative Law Judge