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SOL (MSHA) V. CONSOLIDATION COAL
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 91-292
A.C. No. 46-04370-03575

v.

Rowland No. 9 Mine

CONSOLIDATION COAL COMPANY,
RESPONDENT

ORDER OF DISMISSAL

Appearances: Robert S. Wilson, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia, for
the Petitioner;
Walter J. Scheller III, Esq., Consolidation Coal
Company, Pittsburgh, Pennsylvania, for the
Respondent.

Before: Judge Melick

Petitioner in essence requests approval to now withdraw her
Petition in the captioned case for the reason that upon further
analysis she believes no violation of the cited standard has
occurred. Under the circumstances herein, permission to withdraw
is granted. 29 C.F.R. 2700.11. The citation is accordingly
vacated and this case is therefore dismissed.

Gary Melick
Administrative Law Judge