

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

JUN 23 1992

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 91-515-M
Petitioner	:	A. C. No. 35-00490-05509
	:	
v.	:	Stukel Mt. Crusher & Wash
KLAMATH PACIFIC CORPORATION,	:	Plant
Respondent	:	

ORDER OF DISMISSAL

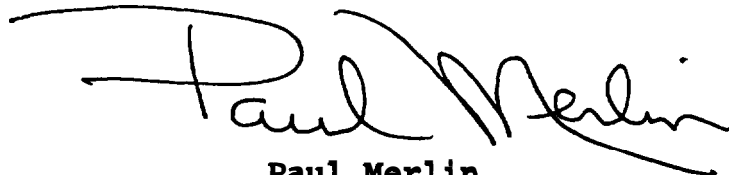
Before: Judge Merlin

This case is before me pursuant to the Commission's remand dated April 21, 1992.

On April 22, 1992, I issued an order instructing the parties to confer about possible settlement and directing the Seattle Solicitor to advise me within 21 days as to the results of these discussions. The Solicitor did not respond. Therefore, on May 18, 1992, an order was issued directing the Solicitor to advise whether the case could be settled or show cause why it should not be dismissed. The file contains the return receipt card showing that the Solicitor received the show cause order on May 21, 1992. Once again, the Solicitor has failed to respond.

The Seattle Solicitor in this case routinely fails to respond to show cause orders, orders to submit information and other orders issued by the Chief Administrative Law Judge. It has been necessary to repeatedly remind him of orders which require him to take action. But even these reminders are of no effect. As I have stated on prior occasions, the Office of the Chief Administrative Law Judge is simply too busy to keep calling and writing this Seattle Solicitor. In his constant and continual disregard of duly issued orders, this Solicitor stands alone. His persistent dereliction of duty cannot be countenanced.

In light of the foregoing, it is ORDERED that the penalty petition in this case be **DISMISSED**.



Paul Merlin
Chief Administrative Law Judge

Distribution:

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