

CCASE:
SOL (MSHA) V. ISLAND CREEK COAL
DDATE:
19930210
TTEXT:

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,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. VA 92-138
Petitioner	:	A. C. No. 44-00246-03687
v.	:	
	:	Virginia Pocahontas No. 1
ISLAND CREEK COAL COMPANY,	:	
Respondent	:	

ORDER OF DISMISSAL

Before: Judge Weisberger

On January 28, 1993, Respondent filed a statement asserting that, when Respondent received the December 16, 1992, Order of Default(Footnote 1) issued by Chief Judge Merlin in this matter, it decided to pay the \$50 proposed penalty under the Order of Default, and to "drop" the contest of the citation in this case. Respondent also asserts that petitioner is in agreement with Respondent that it is appropriate to dismiss this case.

Accordingly, based on the assertions in Respondent's statement this case is DISMISSED.

Avram Weisberger
Administrative Law Judge

Distribution:

James Blair, Esq., Office of the Solicitor, U.S. Department of Labor, 4015 Wilson Boulevard, Room 516, Arlington, VA 22203 (Certified Mail)

Marshall S. Peace, Esq., Island Creek Coal Company, 201 W. Vine Street, Lexington, KY 40507 (Certified Mail)

nb

1The default order was subsequently vacated and this case was assigned to me.