

CCASE:  
SOL (MSHA) V. MID-CONTINENT RESOURCES INC.  
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEST 90-383  
Petitioner : A.C. No. 05-00301-03753  
 :  
v. :  
 : Dutch Creek Mine  
MID-CONTINENT RESOURCES :  
INCORPORATED, :  
Respondent :

ORDER TO VACATE  
ORDER OF DISMISSAL

Before: Judge Merlin

This case is before me pursuant to Order of the Commission dated February 23, 1994.

On March 8, 1994, I issued an order vacating the order of dismissal previously entered and reinstating this case. Upon a motion from the Secretary I determined that this matter had been dismissed in error because the penalty assessment did not involve excessive history. The parties were ordered to confer to determine if this case could be settled.

The Solicitor has filed a motion to vacate the one violation in this case and to withdraw the penalty petition. Upon review of the Solicitor's motion, I have determined that it should be granted.

In light of the foregoing, it is ORDERED that Citation No. 3410440 be VACATED.

It is further ORDERED that this case be DISMISSED.

Paul Merlin  
Chief Administrative Law Judge

Distribution:

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