

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 NEW JERSEY AVE., N.W., Suite 9500
WASHINGTON, D.C. 20001

October 21, 2002

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 2002-114-D
on behalf of Jimmy Caudill and	:	BARB CD 2001-11
and Jerry Michael Caudill,	:	
Complainants	:	
v.	:	
	:	
LEECO, INC., and BLUE DIAMOND	:	No. 75
COAL COMPANY,	:	
Respondents	:	

**ORDER DENYING SECRETARY'S MOTION
TO OPEN SEALED DOCUMENT**

This case is before me on a complaint of discrimination filed by the Secretary of Labor on behalf of Jimmy Caudill and Jerry Michael Caudill pursuant to Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c). The Secretary has filed a motion seeking to open a portion of a record that was ordered sealed in another case. Respondent opposes the motion.

The record at issue, a settlement agreement entered into by Jerry Michael Caudill and Respondent in Commission Docket No. KENT 98-128-D, was ordered sealed by Commission ALJ Barbour, in a May 28, 1998, Decision Approving Settlement. *Sec'y of Labor on behalf of Caudill v. Leeco, Inc.*, 20 FMSHRC 532 (May 1998). As Respondent correctly points out, a Commission ALJ's jurisdiction terminates when a decision has been issued. 29 C.F.R. § 2700.69(b). The Secretary's motion seeks relief from that final order of the Commission. Neither Chief Judge Barbour, nor the undersigned, has jurisdiction to grant the relief requested.

Accordingly, the Secretary's Motion to Open Sealed Document is **DENIED**.

Michael E. Zielinski
Administrative Law Judge
202-434-9981

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