

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

April 24, 2000

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 99-165-M
Petitioner	:	A. C. No. 29-00785-05533 A
v.	:	
	:	Clod Buster Pit No. 1
EARNEST YAZZIE, employed by	:	
AGRONICS, INC.,	:	
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 99-293-M
Petitioner	:	A.C. No. 29-00758-05534 A
v.	:	
	:	Clod Buster Pit No. 1
LELAND T. TAYLOR, employed by	:	
AGRONICS INCORPORATED,	:	
Respondent	:	

DECISION

Appearances: Erica J. Rinas, Esq., & David Q. Jones, Esq., Office of the Solicitor, U.S. Dept. of Labor, Dallas, Texas, on behalf of Petitioner; Leland Thomas Taylor, President and Representative of Agronics, Inc., Albuquerque, New Mexico, on behalf of Respondents; Christopher D. Shaw, Esq., Dolan & Domenici, P.C., Albuquerque, New Mexico, on behalf of Respondents.

Before: Judge Melick

Before commencement of hearings on March 14, 2000, a settlement conference was held on these and related cases. Following this conference and at hearings the Secretary vacated the "Section 110(c)" charges at issue herein. These proceedings were thereby rendered moot and they are therefore dismissed.

ORDER

Civil Penalty Proceedings Docket Nos. CENT 99-165-M and CENT 99-293-M are hereby dismissed.

Gary Melick
Administrative Law Judge

Distribution:

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