

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

March 18, 1997

WHAYNE SUPPLY COMPANY,	:	CONTEST PROCEEDING
Contestant	:	
v.	:	Docket No. KENT 94-518-R
	:	Order No. 4011758;1/25/94
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Job No. 17A
ADMINISTRATION (MSHA),	:	
Respondent	:	

ORDER OF DISMISSAL ON REMAND

Before: Judge Melick

This Contest Proceeding is moot. The Secretary failed to seek timely review of this proceeding before the Commission. The decision of the administrative law judge vacating the underlying order is therefore final. Under the circumstances this case on remand is dismissed.

Gary Melick
Administrative Law Judge
703-756-6261

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