

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, Suite 1000  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

October 21, 1996

KERMIT CAMPBELL,	:	COMPENSATION PROCEEDING
Applicant	:	
v.	:	Docket No. KENT 96-305-C
	:	
JOHN CHANEY TRUCKING CO., INC.:	:	Mine ID 15-13936 R10
and/or WATTS AND CHANEY	:	Star Fire Mine
TRUCKING, INC.	:	
Respondent	:	

**ORDER OF DISMISSAL**

Before: Judge Melick

On July 18, 1996, the Applicant, Kermit Campbell, filed an application for compensation under Section 111 of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et. seq., the "Act", based upon alleged idlement because "Federal Mine Inspector Frank Mayhew inspected and put my truck out of service". It was not alleged that a withdrawal order caused the idlement. Section 111 of the Act authorizes entitlement to compensation only following the issuance of a withdrawal order under the Act. Accordingly the Applicant was ordered to show cause why his case should not be dismissed.

In response to the show cause order the Applicant submitted a copy of the "Section 104(a)" citation which he maintains was the basis for this application for compensation. Applicant further stated that the inspector "neglected to write a withdrawal order on the citation."

Under the circumstances, since the alleged idlement was not the result of the issuance of an order under the Act, this case must be dismissed.

Gary Melick  
Administrative Law Judge

Distribution:

Kermit Campbell, General Delivery, Rowdy, KY 41367

George J. Miller, Esq., Wyatt, Tarrant & Combs, 1700 Lexington  
Financial Center, Lexington, KY 40507

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