

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, D.C. 20001

October 30, 2007

UNITED MINE WORKERS OF	:	COMPENSATION PROCEEDING
AMERICA, LOCAL 1248,	:	
Complainant	:	Docket No. PENN 2002-23-C
	:	
v.	:	
	:	
MAPLE CREEK MINING, INC.,	:	Maple Creek Mine
Respondent	:	Mine ID 36-00970

**ORDER OF DISMISSAL**

This case is before me on remand pursuant to the July 13, 2007, Decision of the Commission. *UMWA, Local 1248 v. Maple Creek Mining, Inc.*, 29 FMSHRC 583 (July 2007). The Commission vacated orders denying Respondent’s motion for summary decision and motion for reconsideration, conclusively establishing that the claim for up to one week’s compensation under the third sentence of section 111 of the Act must be rejected. The case was remanded because the Commission was unable to ascertain whether there is any other valid claim for compensation under the other provisions of section 111.

Complainant was directed to file a status report identifying any issues remaining to be resolved under its Complaint for Compensation, as amended. Complainant reported that it had identified some miners who had not received compensation pursuant to the first two sentences of the subject section, and that the names of the miners and the amounts owing had been forwarded to Respondent. Subsequently, the parties filed a Joint Motion to Dismiss the action, representing that all outstanding claims for compensation had been satisfied.

Based upon the foregoing, the motion to dismiss is granted, and this case is hereby **DISMISSED**.

Michael E. Zielinski  
Administrative Law Judge

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