

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

January 19, 2007

| | | |
|-------------------------|---|---------------------------------|
| CHESTNUT COAL, | : | CONTEST PROCEEDINGS |
| Contestant | : | |
| | : | Docket No. PENN 2006-145-R |
| | : | Citation No. 7008707;03/02/2006 |
| | : | |
| v. | : | Docket No. PENN 2006-146-R |
| | : | Order No. 7008708;03/02/2006 |
| SECRETARY OF LABOR, | : | |
| MINE SAFETY AND HEALTH | : | Docket No. PENN 2006-147-R |
| ADMINISTRATION, (MSHA), | : | Order No. 7008709;03/02/2006 |
| Respondent | : | |
| | : | Docket No. PENN 2006-148-R |
| | : | Citation No. 7008710;03/02/2006 |
| | : | |
| | : | Docket No. PENN 2006-149-R |
| | : | Citation No. 7008711;03/02/2006 |
| | : | |
| | : | No. 10 Slope |
| | : | Mine ID 36-07059 |

ORDER OF DISMISSAL WITHOUT PREJUDICE

These cases are before me on Notices of Contest filed pursuant to section 105(d) of the Mine Safety and Health Act of 1977, 30 U.S.C. § 815(d). The Secretary has issued proposed civil penalties for the alleged violations and the operator has contested those penalties pursuant to section 105(a) of the Act. The Secretary has filed a petition for assessment of civil penalties and the operator has filed an answer. See Commission Docket No. PENN 2006-272. All issues related to the alleged violations and the amount of the proposed penalties will be resolved in the civil penalty proceeding.

Accordingly, these contest cases are hereby **DISMISSED WITHOUT PREJUDICE**.

Michael E. Zielinski
Administrative Law Judge
202 434-9981

Distribution:

Adele L. Abrams, Esq., Law Office, 4740 Corridor Place, Suite D, Beltsville, MD 20705

Mark V. Swirsky, Esq., Office of the Solicitor, U.S. Department of Labor, The Curtis Center,
Suite 630E, 170 S. Independence Mall West, Philadelphia, PA 19106-3306

/mh