

CCASE:  
MSHA V. CLINCHFIELD COAL  
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION  
WASHINGTON, D.C.  
May 8, 1979

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)

v. Docket No. NORT 78-417-P

CLINCHFIELD COAL COMPANY  
ORDER

On April 23, 1979, the Commission denied a petition for discretionary review filed by Clinchfield Coal Company. On May 2, 1979, Clinchfield filed a petition seeking reconsideration.

The judge's decision was issued on March 12, 1979. Section 113 (d)(1) of the Federal Mine Safety and Health Act, 30 U.S.C.A. § 823(d) (1) provides that "[t]he decision of the administrative law judge ... shall become the final decision of the Commission 40 days after issuance unless within such period the Commission has directed that such decision shall be reviewed by the Commission." The judge's decision became final on April 23, 1979. Clinchfield's petition for reconsideration was filed after this date and is, therefore, dismissed.