

CCASE:
MSHA V. ARCH MINERAL
DDATE:
19800207
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
WASHINGTON, DC
February 7, 1980

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

v. Docket N . WEST 79-58

ARCH MINERAL CORPORATION

ORDER

Arch Mineral Corporation's petition for interlocutory review of an order of the administrative law judge that granted the Secretary of Labor's Motion to Accept Late Filing of Proposal for Penalty is denied. We do not pass on the question of what circumstances, if any, may excuse the late filing of a Proposal for Penalty. Because the events in this case occurred during the period of transition between the Commission's interim and final procedural rules, issues concerning the interpretation of final Commission Rule 27(a) are not presented squarely by this petition for interlocutory review. Our denial of the petition is not to be construed in any way as approval of the failure by the Secretary to timely file a proposal for a penalty in this or any other case.

Richard V. Backley, Commissioner

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Brent L. Motchan, Esq.
Arch Mineral Corporation
500 North Broadway
Suite 1800
St. Louis, Missouri 63102

Phyllis K. Caldwell, Esq.
U.S. Department of Labor
Office of the Solicitor
1585 Federal Building
1961 Stout Street
Denver, Colorado 80294

Administrative Law Judge John J. Morris
Federal Mine Safety and Health Review Commission
333 West Colfax
Denver, Colorado 80294