CCASE: MSHA V. POCAHONTAS FUEL DDATE: 19810922 TTEXT: FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION WASHINGTON, D.C. September 22, 1981 SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA) Docket No. HOPE 75-680

and

UNITED MINE WORKERS OF AMERICA	IBMA 75-39
	IBMA 75-40
V.	

POCAHONTAS FUEL COMPANY

ORDER

On December 31, 1980, the United States Court of Appeals for the District of Columbia Circuit issued its decision reversing the decision of the Interior Department Board of Mine Operations Appeals. Pocahontas Fuel Co., 7 IBMA 121 (1976), rev'd sub nom. Mullins v. Andrus, No. 77-1086, D.C. Cir., December 31, 1980. On August 21, 1981, the Court issued its mandate. The Court remanded to the Secretary of Interior, but acknowledged that further proceedings would take place before the Commission pursuant to section 301(c)(3) of the Federal Mine Safety and Health Amendments Act of 1977, 30 U.S.C. \$961(c)(3)(Supp. III 1979). Accordingly, the case is remanded to the administrative law judge for further appropriate proceedings. */ */ Chairman Backley did not participate in the consideration or disposition of this matter. ~2044 Distribution Timothy M. Biddle, Esq. Crowell & Moring 1100 Connecticut Ave., N.W. Washington, D.C. 20036 James T. Hemphill, Esq. 3300 One Oliver Plaza Pittsburgh, PA 15202 Steven B. Jacobson, Esq. DeCastro, West & Chodorow, Inc.

18th Floor 10960 Wilshire Blvd. Los Angeles, CA 90024 Harrison Combs, Esq. **UMWA** 900 15th St., N.W. Washington, D.C. 20005 Michael McCord, Esq. Frederick Moncrief, Jr., Esq. Office of the Solicitor U.S. Department of Labor 4015 Wilson Blvd. Arlington, Virginia 22203 Administrative Law Judge Charles C. Moore, Jr. **FMSHRC** 5203 Leesburg Pike, 10th Floor Falls Church, Virginia 22041