

CCASE:

MSHA & UMWA V. OLD BEN COAL

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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.

March 16, 1982

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

Docket Nos. VINC 75-247

VINC 75-249

and

VINC 75-250

VINC 75-251

UNITED MINE WORKERS
OF AMERICA

IBMA No. 77-42

v.

OLD BEN COAL COMPANY

ORDER

The Secretary of Labor has filed a motion requesting dismissal of its appeal in the above-captioned cases, which arose under the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801 et seq. (1976)(amended 1977)("the 1969 Coal Act"). The United Mine Workers of America ("UMWA"), the other appellant in this case, concurs in the Secretary's motion. Old Ben Coal Company has filed a response opposing dismissal.

The Secretary and the UMWA are the only appellants, and both seek dismissal. Granting the motion will not prejudice Old Ben as it was the party that prevailed below. Dismissal preserves the scarce administrative resources available to the Commission and to the Secretary. Furthermore, there are provisions in the 1977 Mine Act that are nearly identical to the provisions of the 1969 Coal Act involved in this case, and thus the question raised in these cases will probably arise in future cases before the Commission. 1/ Accordingly, we dismiss the above-captioned cases. Our order scheduling oral argument is also vacated.

A.E. Lawson,
Commissioner

1/ We need not, and do not, decide that these cases are moot as a matter of law.