

CCASE:

MSHA & UMWA V. EASTERN ASSOC. 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. HOPE 75-778
HOPE 75-807
HOPE 76-9
HOPE 76-10
HOPE 76-11
HOPE 76-12
IBMA 77-37

and

UNITED MINE WORKERS
OF AMERICA
v.

EASTERN ASSOCIATED COAL CORP.

ORDER

Eastern Associated Coal Corporation has filed a motion to dismiss the appeal of the United Mine Workers of America (UMWA) 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 Secretary concurs with Eastern's argument that its payment of penalties has mooted the issues. The UMWA does not, in essence, contest Eastern's motion.

We are persuaded that dismissal is warranted in these 1969 Coal Act cases. The parties do not wish to pursue these cases. The time period involved in the chain of violations has long expired, and Eastern has paid the assessed penalties. In the interests of conserving scarce administrative resources, we decline to decide these cases under these circumstances. 1/ Eastern's dismissal motion is granted. We also vacate our order for oral argument in this case.

A. E. Lawson
Commissioner

1/ We need not, and do not, reach the issue of whether these cases are moot as a matter of law.