

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR

WASHINGTON, D.C. 20006

January 22, 1985

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	
on behalf of I.B. ACTON	:	Dockets SE 84-31-D
GRADY ADERHOLT	:	SE 84-32-D
FREEMAN BUTLER	:	SE 84-33-D
JAMES L. CAMPBELL	:	SE 84-34-D
J.D. ELLENBURG	:	SE 84-35-D
W.D. FRANKLIN	:	SE 84-36-D
BILLY R. GLOVER	:	SE 84-37-D
TERRY PEOPLES	:	SE 84-39-D
WILLIAM REID	:	SE 84-40-D
CHARLES W. RICKER	:	SE 84-41-D
TERRY SHUBERT	:	SE 84-42-D
THEODORE TAYLOR	:	SE 84-43-D
MARVIN WISE	:	SE 84-44-D
CHARLES BLACKWELL	:	SE 84-45-D
ROBERT BURLESON	:	SE 84-46-D
HOUSTON EVANS, and	:	SE 84-47-D
KENNETH RANDAL COFER	:	SE 84-52-D
	:	
and	:	
	:	
UNITED MINE WORKERS OF AMERICA	:	
	:	
v.	:	
	:	
JIM WALTER RESOURCES, INC.	:	

ORDER

On November 20, 1984, the Commission granted the petitions for discretionary review filed by the Secretary of Labor and the United Mine Workers of America ("**UMWA**") in Docket Nos. SE 84-35-D, -45-D, -47-D, and -52-D. Petitions for discretionary review filed by the Secretary, the UMWA, and Jim Walter Resources, Inc. ("**Jim Walter**"), in the remaining 13 dockets listed above were granted on December 26, 1984, and all briefing in the 17 dockets was stayed.

Because these dockets involve similar issues of law and fact and were consolidated below, we reconsolidate them on review. The following briefing schedule is established. On or before February 22, 1985, each

of the petitioners **shall** file opening briefs addressing the issues raised in their respective petitions for review. Thereafter, each party may file, on or before March 13, 1985, a brief in response to the arguments made in any opposing brief. Finally, any reply brief must be received no later than March 29, 1985. Jim Walter's request for oral argument is granted. Argument will be scheduled by further order upon completion of briefing.

For the Commission:


Richard V. Backley, Acting Chairman

Distribution

Earl R. Pfeffer, Esq.
UMWA
900 15th St., N.W.
Washington, D.C. 20005

Linda **Leasure**, Esq.
Office of the Solicitor
U.S. Department of Labor
4015 Wilson Blvd.
Arlington, Virginia 22203

David M. Smith, Esq.
Maynard, Cooper, Frierson & Gale, P.C.
1200 Watts Bldg.
Third Avenue and Twentieth St.
Birmingham, Alabama 35203

Robert W. Pollard, Esq.
Jim Walter Resources, Inc.
P.O. Box C-79
Birmingham, Alabama 35283