

CCASE:
MSHA (BRYAN PACK) V. MAYNARD BRANCH DREDGING, ROGER KIRK
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November 30, 1987

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA), on behalf
of BRYAN D. PACK

v. Docket No. KENT 86-9-D

MAYNARD BRANCH DREDGING COMPANY
and ROGER KIRK

BEFORE: Ford, Chairman; Backley, Doyle, Lastowka and Nelson,
Commissioners

ORDER

BY THE COMMISSION:

On September 29, 1987, the Commission granted the petitions for discretionary review filed by complainant Bryan D. Pack and the Secretary of Labor, who has prosecuted the discrimination complaint involved in this proceeding on Mr. Pack's behalf. On November 12, 1987, the Commission received a request from Pack that his petition for review be dismissed because the Secretary is representing him on review in this matter.

Pack's petition for review was received before that of the Secretary and was filed to protect his review rights before us. The Secretary's subsequently filed petition adequately preserves and presents Pack's position on review. Accordingly, upon consideration of Pack's request, his petition for review is dismissed. The Secretary's petition remains for disposition by the Commission.

Ford B. Ford, Chairman

Richard V. Backley, Commissioner

Joyce A. Doyle, Commissioner

James A. Lastowka, Commissioner

L. Clair Nelson, Commissioner