

CCASE:
MSHA V. JAMES BELL, SOL V. ROBERT SWINDALL
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.
April 22, 1991

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

v. Docket No. VA 90-53

JAMES ROGER BELL

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

v. Docket No. VA 90-54

ROBERT V. SWINDALL

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

v. Docket No. VA 90-55

MARION EUGENE ROWLAND

DIRECTION FOR REVIEW

ORDER

On March 8, 1991, Commission Administrative Law Judge James A. Broderick issued an order granting respondents' motions for certification for interlocutory review of the judge's orders issued February 7, 1991 (Robert V. Swindall, Docket No. VA 90-54) and February 8, 1991 (James Roger Bell and Marion Eugene Rowland, Docket Nos. VA 90-53, VA 90-55), denying respondents' motions for summary decision. Thereafter, respondents filed a

petition for interlocutory review of the judge's order of February 7, 1991 pursuant to 29 C.F.R. 2700.74.

1/ The orders issued on February 8, 1991, expressly reference and incorporate the reasons set forth in the February 7, 1991, order issued in Docket No. VA 90-54 (Swindall).

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For the reasons stated below we grant the petition for interlocutory review and stay briefing.

These civil penalty proceedings were filed pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. (1988) In his order of February 7, 1991, the judge accurately set forth the factual and procedural history of the pending cases and correctly applied the Commission precedent construing the subject Procedural Rule 29 C.F.R. 2700.27(a)(time period for filing penalty proposal). Salt Lake County Road Department, 3 FMSHRC 1714 (1981).

Accordingly, we affirm the judge's order and remand for further proceedings.

Richard V. Backley, Acting Chairman

Joyce A. Doyle, Commissioner

Arlene Holen, Commissioner

L. Clair Nelson, Commissioner

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