

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR
WASHINGTON, D.C. 20006

January 31, 1992

CLIFFORD MEEK

:
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v.

LAKE 90-132-DM

ESSROC CORPORATION

ORDER

On January 23, 1992, ESSROC Corporation filed a petition for discretionary review of the December 24, 1991 decision in this matter. In the decision the presiding Commission administrative law judge concluded that a violation of section 105(c) of the Federal Mine Safety and Health Act of 1977 occurred, 30 U.S.C. § 801 et seq. However, the judge did not set forth specific monetary relief but ordered the parties to confer in an effort to stipulate to the appropriate amount of damages to be awarded. Indeed, the judge expressly stated that the December 24, 1991 decision was not a final disposition of the proceeding.

Accordingly, the respondent's petition for discretionary review is premature and therefore it is dismissed without prejudice. See, e.g., Joseph A. Campbell v. Anaconda Co., 2 MSHC 1519 (1981).

For the Commission:



Ford B. Ford
Chairman