

CCASE:
SOL (MSHA) V. DANIEL LEE COAL CO.,
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SECRETARY OF LABOR, :
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
 :
v. : Docket No. KENT 91-187
 :
DANIEL LEE COAL CO., INC. :
 :

BEFORE: Holen, Chairman; Backley, Doyle and Nelson, Commissioners

ORDER

BY THE COMMISSION:

Chief Administrative Law Judge Paul Merlin has referred to the Commission the Secretary of Labor's Motion to Correct Clerical Error in an order he issued on June 10, 1992. The judge's order became a final order of the Commission 40 days after its issuance. 30 U.S.C. 823(d)(1). Under Commission Procedural Rule 69(c), 58 Fed. Reg. 12158, 12171 (March 3, 1993), to be codified at 29 C.F.R. 2700.69(c)(1993), a judge may correct clerical errors in a final order with leave of the Commission. Upon consideration of the Secretary's motion, it is granted. We reopen the case, remand the matter to the judge, and grant him leave to correct the error.

Arlene Holen, Chairman

Richard V. Backley, Commissioner

Joyce A. Doyle, Commissioner

L. Clair Nelson, Commissioner