

CCASE:  
JIM WALTER RESOURCES V. (MSHA) SOL  
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FEDERAL MINE SAFETY AND HEALTH REVIEW

COMMISSION

1730 K Street NW, 6th Floor  
Washington, D.C. 20006

January 7, 1994

JIM WALTER RESOURCES, INC.	:	
	:	
v.	:	
	:	
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 93-127-D
on behalf of JAMES JOHNSON	:	
	:	
and	:	
	:	
UNITED MINE WORKERS OF AMERICA	:	
	:	

ORDER

On December 16, 1993, Jim Walter Resources, Inc. ("Jim Walter"), filed a petition with the Federal Mine Safety and Health Review Commission under Section 113(d)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 823(d)(2)(1988). The Administrative Law Judge presiding in this discrimination proceeding has not yet issued his final order on damages. The Commission has dismissed as premature petitions seeking review of a judge's decision finding liability in discrimination cases before the decision on damages is issued. See *Kenneth A. Wiggins v. Eastern Associated Coal Co.*, 5 FMSHRC 1668 (October 1983). Jim Walter's petition is premature and is dismissed without prejudice. Jim Walter may file a petition for discretionary review after issuance of the judge's decision on damages.

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Arlene Holen, Chairman

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Richard V. Backley, Commissioner

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Joyce A. Doyle, Commissioner

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L. Clair Nelson, Commissioner