

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW
SUITE 9500
WASHINGTON, DC 20001

August 24, 2011

SECRETARY OF LABOR :
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
 :
 :
v. : Docket No. KENT 2008-712
 : A.C. No. 15-19076-141789-01
NALLY & HAMILTON ENTERPRISES, INC. :

Before: Jordan, Chairman; Duffy, Young, Cohen, and Nakamura, Commissioners

ORDER

BY THE COMMISSION:

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2006). On August 11, 2011, the Commission issued a decision reversing the judge’s decision to vacate a citation issued to Nally & Hamilton Enterprises, Inc. (“Nally”) by the Mine Safety and Health Administration. 33 FMSHRC ___, Docket No. KENT 2008-712 (Aug. 11, 2011). On August 18, 2011, the Commission received from Nally a Petition for Reconsideration of its August 11 decision pursuant to Commission Procedural Rule 78(a), 29 C.F.R. § 2700.78(a), and a request that the filing of its petition stay the effects of the decision. *See* 29 C.F.R. § 2700.78(b).

Upon consideration of the petition, we hereby deny Nally's request for reconsideration and its request to stay the effect of the August 11, 2011, decision.

Mary Lu Jordan, Chairman

Michael F. Duffy, Commissioner

Michael G. Young, Commissioner

Robert F. Cohen, Jr., Commissioner

Patrick K. Nakamura, Commissioner

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