

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N

WASHINGTON, D.C. 20004-1710

January 20, 2023

SECRETARY OF LABOR	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
on behalf of JASON HARGIS	:	Docket No. SE 2021-0163
v.	:	Docket No. SE 2022-0001
	:	
VULCAN CONSTRUCTION	:	
MATERIALS, LLC	:	
	:	
SECRETARY OF LABOR	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
v.	:	Docket No. SE 2022-0013
	:	
VULCAN CONSTRUCTION	:	
MATERIALS, LLC	:	

ORDER

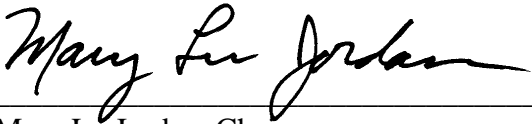
These proceedings all involve cross-petitions for discretionary review by the Secretary of Labor (“Secretary”), Vulcan Construction Materials, LLC (“Vulcan”), and a miner, Jason Hargis (“Complainant”). On January 9, 2023, the Commission granted all three petitions for discretionary review. The cases are hereby consolidated.

The Secretary shall file his opening brief no later than **February 21, 2023**. Vulcan and the Complainant may file response briefs by **March 23, 2023**, if they desire. The Secretary may file a reply brief no later than **April 12, 2023**.

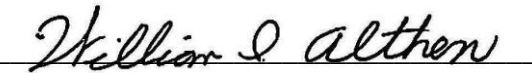
Vulcan shall file its opening brief no later than **February 21, 2023**. The Secretary and the Complainant may file response briefs by **March 23, 2023**, if they desire. Vulcan may file a reply brief no later than **April 12, 2023**.

The Complainant shall file his opening brief no later than **February 21, 2023**. Vulcan and the Secretary may file response briefs by **March 23, 2023**, if they desire. The Complainant may file a reply brief no later than **April 12, 2023**.

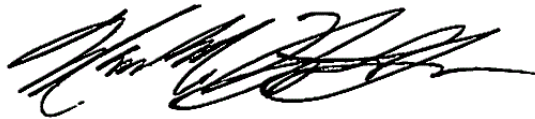
Any party may elect to consolidate their response briefs to any opening briefs and any reply briefs in accordance with this briefing schedule.



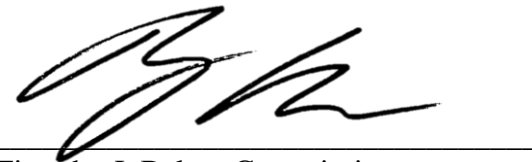
Mary Lu Jordan, Chair



William I. Althen, Commissioner



Marco M. Rajkovich, Jr., Commissioner



Timothy J. Baker, Commissioner

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