

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N

WASHINGTON, D.C. 20004-1710

JUN 06 2019

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA)

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Docket No. LAKE 2018-0340

v.

AMERICAN AGGREGATES OF
MICHIGAN, INC.

ORDER

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2012). On February 14, 2019, the Administrative Law Judge issued a decision denying a motion to approve settlement. On May 24, 2019, the Judge issued an Order Accepting Appearance, Rejecting Settlement, Recusing Undersigned, Requesting Reassignment, and Certifying Case for Interlocutory Review.

Commission Procedural Rule 76(a), 29 C.F.R. § 2700.76(a), provides that interlocutory review is not a matter of right but of the sound discretion of the Commission. In addition, under Rule 76(a)(2), a majority of Commission members must conclude that the Judge's interlocutory ruling involves a controlling question of law and that immediate review may materially advance the final disposition of the proceeding.

This standard having been satisfied, we hereby grant review. The question on review is whether the Judge abused his discretion in denying the Secretary's motion to approve settlement.

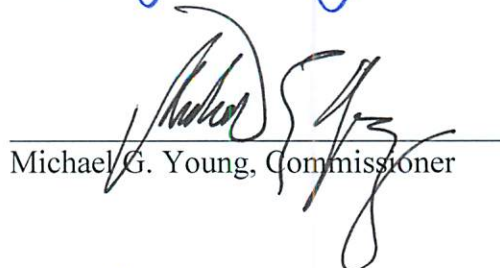
Briefing is stayed pending further order of the Commission.




Marco M. Rajkovich, Jr., Chairman



Mary Lu Jordan, Commissioner



Michael G. Young, Commissioner



William I. Althen, Commissioner



Arthur R. Traynor, III, Commissioner

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