

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1331 PENNSYLVANIA AVENUE, NW, SUITE 520N
WASHINGTON, D.C. 20004-1710

August 17, 2021

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	Docket No. WEVA 2021-0186
v.	:	A.C. No. 46-09048-528669
	:	
MARFORK COAL COMPANY, LLC	:	

BEFORE: Traynor, Chair; Althen and Rajkovich, 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. (2018) (“Mine Act”). On August 3, 2021, Administrative Law Judge Jacqueline Bulluck requested leave of the Commission to amend her Decision Approving Settlement, issued in this proceeding on May 6, 2021, in order to correct a clerical error. The Judge’s May 6 decision was issued with an incorrect docket number in the caption. Under section 113(d) of the Mine Act, the Judge’s decision became a final order of the Commission 40 days after its issuance. 30 U.S.C. § 823(d)(1). However, pursuant to Commission Procedural Rule 69(c), a Judge may correct clerical errors in a final decision with leave of the Commission. 29 C.F.R. § 2700.69(c).

Upon consideration of the Judge's request, it is granted. We reopen the case, remand the matter to the Judge, and grant her leave to correct the error as requested.

/s/ Arthur R. Traynor, III
Arthur R. Traynor, III, Chair

/s/ William I. Althen
William I. Althen, Commissioner

/s/ Marco M. Rajkovich, Jr.
Marco M. Rajkovich, Jr., Commissioner

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