FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N WASHINGTON, D.C. 20004-1710

July 7, 2014

SECRETARY OF LABOR,

MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

v.

Docket No. SE 2009-870-M

:

WEST ALABAMA SAND & GRAVEL,

INC.

BEFORE: Jordan, Chairman; Young, Cohen, Nakamura, and Althen, Commissioners

<u>ORDER</u>

BY THE COMMISSION:

On August 22, 2012, the Commission issued an order granting the Secretary of Labor's petition for discretionary review and staying briefing in these matters. After careful reconsideration, we have determined that briefing in this case would aid in the resolution of the issues presented. Accordingly, the order staying briefing is now lifted.¹

The Secretary of Labor shall file his opening brief within 30 days of the date of this order. Briefing will then proceed as specified in 29 C.F.R. § 2700.75.

Mary Lyfordan, Charman

¹ The Commission recognizes that the Direction for Review was issued in August 2012 and briefing was stayed at that time. The stay occurred during a period of a rapid buildup in the Commission case load. The Commission regrets the delay in issuing this Order.

Distribution:

Clatus Junkin, Esq. Junkin, Pearson, Harrison, Junkin, & Pate, LLC P.O. Box 688 202 3rd Street, N.E. Fayette, AL 35555

Charles E. Harrison, Esq. Junkin, Pearson, Harrison, Junkin, & Pate, LLC P.O. Box 3119 Tuscaloosa, AL 35403

W. Christian Schumann, Esq. Office of the Solicitor U.S. Department of Labor 110 Wilson Blvd., Room 2220 Arlington, VA 22209-2296