

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**601 NEW JERSEY AVENUE, NW
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September 20, 2005

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	Docket No. KENT 2004-67
v.	:	
	:	
WEBSTER COUNTY COAL LLC	:	

BEFORE: Duffy, Chairman; Jordan, Suboleski, and Young, Commissioners

ORDER

BY THE COMMISSION:

On August 31, 2005, the Secretary of Labor filed with the Commission a Motion to Correct the Decision Approving Settlement issued in these proceedings by Commission Administrative Law Judge T. Todd Hodgdon on November 8, 2004. The Secretary seeks to correct a mistake her counsel made in calculating the total penalty amount, which was subsequently submitted to the judge. The judge's order became a final order of the Commission 40 days after its issuance. 30 U.S.C. § 823(d)(1). Under Commission Procedural Rule 69(c), a judge may correct clerical errors in a final order with leave of the Commission. 29 C.F.R. § 2700.69(c).

Upon consideration of the Secretary's motion, it is granted. We reopen the case, remand the matter to the judge, and grant him leave to correct the error.

Michael F. Duffy, Chairman

Mary Lu Jordan, Commissioner

Stanley C. Suboleski, Commissioner

Michael G. Young, Commissioner

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