

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET N.W. 6TH FLOOR
WASHINGTON, D.C. 20006

April 22, 1996

SECRETARY OF LABOR, :
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
 :
v. : Docket No. PENN 93-15
 :
L&J ENERGY COMPANY, INC. :

DIRECTION FOR REVIEW
ORDER

The petition for discretionary review, filed by L&J Energy Company, Inc. is granted on the issue of the operator's ability to continue in business. This matter is remanded to the judge for appropriate proceedings on this issue.

In all other respects the petition is denied.

Joyce A. Doyle, Commissioner

Arlene Holen, Commissioner

Marc Lincoln Marks, Commissioner

James C. Riley, Commissioner