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SOL (MSHA) V. JIM RESOURCES
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TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

v.

JIM WALTER RESOURCES, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. SE 84-57
A.C. No. 01-00758-03592

No. 3 Mine

DECISION

Before: Judge Merlin

In lieu of a hearing, the parties submitted stipulations in the above-captioned case for a decision on the record.

The parties stipulate that the condition or practice described in the citation occurred and that the belt described in the citation was a coal-carrying belt. The parties further agree that the decision in Jim Walter Resources, Inc., Docket No. SE 84-23 (July 30, 1984) is controlling. I accept these stipulations.

The decision in Docket No. SE 84-23 held that 30 C.F.R. 75.1403-5(g) does not apply to coal-carrying belt conveyors. Therefore, in light of the parties' stipulation that this case concerns a coal-carrying belt I find that there was no violation.

Citation No. 2310851 is hereby VACATED.

Paul Merlin
Chief Administrative Law Judge