

CCASE:
MSHA V. CONSOLIDATION COAL
DDATE:
19790411
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.

April 11, 1979

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION, Docket Nos. PITT 78-458

On behalf of

DAVID PASULA,

v.

CONSOLIDATION COAL COMPANY

ORDER

The administrative law judge's decision in this case was issued on March 5, 1979. On March 29, 1979, the judge issued an order purporting to stay the effective date of his decision pending his ruling on a motion for reconsideration. We granted a petition for discretionary review in this case on April 11, 1979.

Neither the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §801 et seq. (1978), 1/ nor the Commission's Interim Rules of Procedure, 29 CFR §2700.1 et seq.,2/ provide for a motion for reconsideration or a stay of the effective date of a judge's decision once the decision is issued. Cf. Penn Allegh Coal Co., Inc., Docket No. PITT 78-97-P (direction for review and order, January 3, 1979). Accordingly, the March 29, 1979, order of stay is vacated.

1/ See section 113(d) of the 1977 Act.

2/ See Interim Rules of Procedure 54 and 55, 29 CFR §§2700.54 and 55.