

CCASE:
GLEN MUNSEY V. SMITH & RALPH BAKER & P&P COAL
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1730 K STREET NW, 6TH FLOOR
WASHINGTON, D.C. 20006
June 2, 1983

GLEN MUNSEY

v. Docket No. NORT 71-96

SMITTY BAKER COAL COMPANY, INC.,
P&P COAL COMPANY, AND IBMA 72-21
RALPH BAKER

ORDER

On March 11, 1983, the U.S. Court of Appeals for the D.C. Circuit issued its decision in *Munsey v. FMSHRC et al.*, 701 F.2d 976 (D.C. Cir. 1983), reh'g en banc denied May 6, 1983. The Court "with one exception" affirmed the decisions of the Commission and the administrative law judge. The exception referred to concerns the judge's conclusion that costs and attorney fees could not be awarded for the period during which Munsey's counsel was employed as an attorney on the staff of the United Mine Workers of America. As to this issue the Court reversed and remanded for a determination "of the amount to be awarded in accordance with the standard set forth in *Nat'l Treasury Employees Union v. U.S. Dep't of the Treasury*," 656 F.2d 848 (D.C. Cir. 1981). 701 F.2d at 977. The certified copy of the Court's opinion and judgment was issued on May 16, 1983.

Accordingly, the case is remanded to the chief administrative law judge for appropriate assignment and further proceedings consistent with the Court's decision.

Rosemary M. Collyer, Chairman

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