

CCASE:

SOL (MSHA) V. PONTIKI COAL

DDATE:

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TTEXT:

FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.

May 23, 1984

SECRETARY OF LABOR,

MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA)

Docket Nos. KENT 83-181-R

KENT 83-182-R

KENT 83-183-R

v.

KENT 83-184-R

KENT 83-256

PONTIKI COAL CORPORATION

KENT 83-262

ORDER

The administrative law judge's motion for leave to intervene and his motion for a remand are denied as unauthorized. *Canterbury Coal Co.*, 1 FMSHRC 335 (1979); *Cf. Peabody Coal Co.*, 2 FMSHRC 1035 (1980); *Penn Allegh Coal Co.*, Docket No. PITT 79-97-P (Order, January 3, 1979). Accordingly, the following documents are struck from the record in this proceeding: (1) the judge's motion to intervene and the accompanying opposition to the Secretary's petition for discretionary review; (2) the Secretary's opposition to motion for leave to intervene; (3) the judge's response to the Secretary's opposition; (4) the judge's motion to remand; (5) the Secretary's opposition to motion to remand; and (6) the judge's response to the Secretary's opposition.

Also, the affidavit and memorandum attached to the Secretary's petition for discretionary review are struck as not being part of the record before the judge. 30 U.S.C. § 823(d)(2)(C).

In view of the serious allegations contained in the judge's submissions, the Commission has, by letter dated May 18, 1984, brought the information contained in the documents struck from this record to the attention of the Attorney General of the United States or such action as is appropriate.

L. Clair Nelson, Commissioner