

CCASE:

SOL (MSHA) V. BADGER COAL

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

July 5, 1984

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH

ADMINISTRATION (MSHA) Docket Nos. WEVA 81-36-R

WEVA 81-37-R

v.

WEVA 81-277

WEVA 81-285

BADGER COAL COMPANY

ORDER

Badger Coal Company's petition for discretionary review of the administrative law judge's final decision in this matter was granted by this Commission on May 21, 1984. Subsequently, by motion dated June 22, 1984, counsel for the operator requested that its petition for review be dismissed by the Commission. The Secretary of Labor has responded stating that he has no objection to Badger's motion.

Accordingly, our order granting review in this case is vacated and the operator's petition for discretionary review is dismissed. By operation of law, the administrative law judge's April 11, 1984, decision (6 FMSHRC 874) constitutes the Commission's final decision in this matter. 30 U.S.C. § 823(d)(1).

L. Clair Nelson, Commissioner

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