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R. SIMPSON V. KENTA ENERGY & R.D. JACKSON  
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FMSHRC-WDC  
March 26, 1986

ROBERT SIMPSON

v. Docket No. KENT 83-155-D

KENTA ENERGY, INC.

and

ROY DAN JACKSON

BEFORE: Backley, Doyle, Lastowka and Nelson, Commissioners

ORDER

BY THE COMMISSION:

This matter presently is pending on review before the Commission. On January 31, 1986, the Commission issued an order directing, in part, that complainant Robert Simpson's Motion to Reopen the proceedings to pursue successorship issues be held in abeyance pending the Commission's resolution of the underlying question of liability for violation of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (1982). On February 10, 1986, Simpson filed a Petition for Reconsideration of that aspect of the Commission's January 31 order. Previously scheduled oral argument on the merits of this case was heard before the Commission on February 26, 1986.

We confirm our January 31 order. We conclude that it is appropriate to resolve first the issue of liability presented to us on review before directing any proceedings dealing with successorship issues. Accordingly, Simpson's Petition for Reconsideration is denied. The merits of this case as well as

Simpson's Motion to Reopen stand submitted. 1/

Richard V. Backley, Commissioner

Joyce A. Doyle, Commissioner

James A. Lastowka, Commissioner

L. Clair Nelson, Commissioner

1/ Chairman Ford has elected not to participate in the consideration or disposition of this case.

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