

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

August 19, 1999

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	
22.	:	Docket No. CENT 99-153-RM
	:	
REINTJES OF THE SOUTH, INC.	:	

BEFORE: Jordan, Chairman; Marks, Riley, Verheggen, and Beatty, Commissioners

ORDER

BY THE COMMISSION:

On June 24, 1999, the Commission granted a petition for discretionary review filed by Reintjes of the South, Inc. ("Reintjes") challenging Administrative Law Judge Avram Weisberger's Order of Dismissal in which he granted the Secretary of Labor's motion for summary decision, denied Reintjes' motion for summary decision, and dismissed Reintjes' notice of contest with respect to Citation No. 7867335, as modified. Order at 3-4 (May 17, 1999) (unpublished).

On August 12, 1999, pursuant to Commission Procedural Rule 11, 29 C.F.R. § 2700.11, Reintjes filed an unopposed motion to withdraw its petition for discretionary review. At the time Reintjes filed its petition for discretionary review, a civil penalty had not been proposed for Citation No. 7867335. A civil penalty of \$100.00 has now been proposed for the citation and Reintjes has agreed to pay the penalty in full, without modification of the citation. Reintjes states that the Secretary has no objection to its motion to withdraw its petition. Upon

consideration of Reintjes' motion to dismiss the appeal, we grant it. Accordingly, the Commission's direction for review in this matter is vacated and Reintjes' appeal is dismissed.

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Mary Lu Jordon, Chairman

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Marc Lincoln Marks, Commissioner

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James C. Riley, Commissioner

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Theodore F. Verheggen, Commissioner

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Robert H. Beatty, Jr., Commissioner

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