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SOUTHERN OHIO COAL V. SOL (MSHA)
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SOUTHERN OHIO COAL COMPANY,
CONTESTANT

CONTEST PROCEEDING

v.

Docket No. WEVA 85-69-R
Citation No. 2412582; 12/14/84

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
RESPONDENT

Martinka No. 1 Mine

ORDER VACATING CITATION
AND DISMISSING PROCEEDING

Before: Judge Broderick

On July 29, 1985, the Secretary filed a "motion to withdraw" the citation contested herein. The citation was issued for a violation of section 103(f) because of the failure of contestant to pay the two UMWA walkaround representatives for the time they accompanied MSHA inspectors during an inspection of the subject mine. Further investigation revealed that the two inspectors were travelling together, and therefore only one walkaround representative need be paid. The citation is being vacated by MSHA.

Therefore, the above proceeding is moot and this case is DISMISSED.

James A. Broderick
Administrative Law Judge