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SOL (MSHA) v. BECKLEY COAL MINING  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 85-28  
A.C. No. 46-03092-03569

v.

Beckley Coal Mining Company

BECKLEY COAL MINING COMPANY,  
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Merlin

In response to an Order to Show Cause issued by this Commission, the operator advises it paid the penalty in full. Accordingly, it does not want a hearing. The matter appears ripe for dismissal. However, operator's counsel is in error in asserting that its payment herein cannot be considered in any administrative forum. This payment constitutes part of its prior history, Old Ben Coal Company, 4 IBMA 198 (June 1975), Peggs Run Coal Co., Inc., 6 IBMA 212 (June 1976).

In light of the foregoing, this case is DISMISSED.

Paul Merlin  
Chief Administrative Law Judge