

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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**September 7, 2023**

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Docket No. WEVA 2023-0092
ADMINISTRATION (MSHA)	:	
	:	
v.	:	
	:	
POCAHONTAS COAL COMPANY LLC	:	
	:	

ORDER


On June 16, 2023, the Commission directed review of the captioned matter and stayed briefing.

On August 31, 2023, the Commission issued its decision in *Consol Mining Co.*, Docket No. WEVA 2023-0141, concluding that the Judge erred in denying a settlement motion because the Secretary relied on *Mechanicsville Concrete* and *American Aggregates of Michigan* to support her position.

Upon reconsideration of the Secretary’s petition for discretionary review of the Judge’s decision in this captioned matter, the direction for review is hereby VACATED.

  
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 Mary Lu Jordan, Chair

  
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 William I. Althen, Commissioner

  
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 Marco M. Rajkovich, Jr., Commissioner

  
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 Timothy J. Baker, Commissioner

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