

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 16-3530

MAXXIM REBUILD COMPANY, LLC,
Petitioner,

v.

FEDERAL MINE SAFETY AND HEALTH REVIEW
COMMISSION; SECRETARY OF LABOR,
MINE SAFETY AND HEALTH ADMINISTRATION,
Respondents.**FILED**
Feb 13, 2017
DEBORAH S. HUNT, Clerk

Before: BATCHELDER, SUTTON, and KETHLEDGE, Circuit Judges.

JUDGMENT

THIS MATTER came before the court upon the petition for review by Maxxim Rebuild Company, LLC of a decision by the Federal Mine Safety and Health Review Commission.

UPON FULL REVIEW of the record and the briefs and arguments of counsel,

IT IS ORDERED that the petition is GRANTED, and the Commission's decision to exercise jurisdiction over the Maxxim facility is REVERSED.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk