

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N  
WASHINGTON, D.C. 20004-1710

**February 5, 2021**

SECRETARY OF LABOR,	:	Docket No. YORK 2018-0019
MINE SAFETY AND HEALTH	:	A.C. No. 30-03434-448608
ADMINISTRATION (MSHA)	:	
	:	Docket No. YORK 2018-0020
	:	A.C. No. 30-03434-448608
v.	:	
	:	Docket No. YORK 2018-0022
	:	A.C. No. 30-03434-450955
	:	
RJ VALENTE GRAVEL	:	Docket No. YORK 2018-0023
	:	A.C. No. 30-03434-450955

BEFORE: Traynor, Chair; Althen and Rajkovich, Commissioners

ORDER

BY THE COMMISSION:

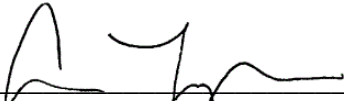
These matters arise under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2018) (“Mine Act”).<sup>1</sup> On August 8, 2018, the Commission received from RJ Valente Gravel (“RJ Valente”) a motion seeking to reopen penalty assessment proceedings and relieve it from the Default Orders entered against it.<sup>2</sup> The Secretary of Labor states that he does not oppose the motion.

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<sup>1</sup> Two dockets were created for assessment number 30-03434-448608 — Docket Nos. YORK 2018-0019 and YORK 2018-0020. Because these cases both deal with the same assessment, they should be considered duplicate dockets and resolved in tandem. Similarly, two dockets were created for assessment number 30-03434-450955 — Docket Nos. YORK 2018-0022 and YORK 2018-0023. These dockets should also be considered duplicate dockets and resolved in tandem. Moreover, all four dockets should be consolidated. Accordingly, we hereby consolidate docket numbers YORK 2018-0019, YORK 2018-0020, YORK 2018-0022, and YORK 2018-0023. 29 C.F.R. § 2700.12.

<sup>2</sup> Commissioner Althen notes the movant filed its motion to reopen on August 8, 2018. If the movant believes the Commissions’ failure to respond for approximately 827 days results in actual prejudice, the movant may bring such claim before the assigned Judge.

Having reviewed movant's unopposed motion to reopen, we reopen this matter and remand it to the Chief Administrative Law Judge for further proceedings pursuant to the Mine Act and the Commission's Procedural Rules, 29 C.F.R. Part 2700.

  
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Arthur R. Traynor, III, Chair

  
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William I. Althen, Commissioner

  
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Marco M. Rajkovich, Jr., Commissioner

Distribution:

Michael T Cimino, Esq.  
Jackson Kelly PLLC  
500 Lee Street East  
Suite 1600  
Charleston, WV 25301  
mcimino@jacksonkelly.com

John M. McCracken, Esq.  
Office of the Solicitor  
Division of Mine Safety and Health  
U.S. Department of Labor  
201 12th Street South, Suite 401  
Arlington, VA 22202-5452  
McCracken.John.M@dol.gov

April Nelson, Esq.  
Office of the Solicitor  
U.S. Department of Labor  
201 12th Street South, Suite 401  
Arlington, VA 22202-5452  
Nelson.April@dol.gov

Chief Administrative Law Judge Glynn Voisin  
Federal Mine Safety & Health Review Commission  
1331 Pennsylvania Avenue, NW, Suite 520N  
Washington, DC 20004-1710  
GVoisin@fmshrc.gov

Melanie Garris  
Office of Civil Penalty Compliance  
Mine Safety and Health Administration  
201 12th Street South, Suite 401  
Arlington, VA 22202-5452  
Garris.Melanie@DOL.GOV