

CCASE:

W. R. GRACE v. SOL (MSHA)

DDATE:

19810227

TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

W. R. GRACE AND COMPANY,
CONTESTANT

v.

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

INTERNATIONAL CHEMICAL
WORKERS UNION,
RESPONDENTS

Contest of Citation and Orders

Docket No. SE 80-98-RM
Docket No. SE 80-99-RM
Docket No. SE 80-100-RM

Citation/Order No. 091430 5/7/80
Order No. 091432 5/7/80
Citation No. 091433 5/7/80

Bonny Lake Mine

ORDER OF DISMISSAL

These consolidated contests were scheduled for hearing in Tampa, Florida, February 3, 1981. However, the hearing was continued to afford respondent MSHA an opportunity to furnish additional information concerning certain enforcement actions taken against an independent contractor who allegedly was responsible for the violations which prompted the filing of these contests by the contestant. This additional information has been filed by MSHA and it reflects that the independent contractor has paid the full assessment for two of the citations which it did not contest, and the remaining citation was not assessed because MSHA is of the view that the alleged violation did not involve a mandatory standard. Further, MSHA asserts that it considers the contractor who has paid the assessments in question to be solely liable and responsible for the violations and it seeks no further action or sanctions against the contestant.

Order

In view of the foregoing, and in light of a full disclosure of all of the circumstances presented in these proceedings, MSHA's motion to dismiss these contests is GRANTED, and they are DISMISSED.

George A. Koutras
Administrative Law Judge