

CCASE:
SOL (MSHA) V. PHILLIPS URANIUM
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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
v.
PHILLIPS URANIUM CORPORATION,
RESPONDENT

CIVIL PENALTY PROCEEDING
DOCKET NO. CENT 79-282-M
DOCKET NO. CENT 80-6-M
DOCKET NO. CENT 80-124-M

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER
v.
PHILLIPS URANIUM CORPORATION,
RESPONDENT
AND

CIVIL PENALTY PROCEEDING
DOCKET NO. CENT 79-281-M

AMERICAN MINING SERVICE, AS SUBSTITUTE
RESPONDENT

DECISION ON REMAND

On April 27, 1982, the Commission issued its final decision vacating all citations and orders and dismissing the petitions for assessment of penalties in each of the above cases except for Docket No. CENT 79-281-M.

That case was remanded to this judge because while the matter was pending upon review, American Mining Service (AMS), an independent contractor, executed a substitution agreement with Phillips Uranium Corporation, (Phillips) the owner-operator. In that agreement, now a part of the record, AMS formally agreed to substitute itself as respondent in this civil penalty proceeding in the place and stead of Phillips. It further paid the full \$48 penalty proposed in that docket number. (The record discloses that a check including that amount was paid to Phillips, which in turn endorsed it to MSHA).

As the original parties and AMS are amenable to the substitution, the Commission remanded CENT 79-281-M with a mandate to dismiss as to Phillips and to substitute AMS. In view of the state of the record, no further proceedings are required. (FOOTNOTE 1)

