

CCASE:
SOL (MSHA) V. HILLARD BENTGEN
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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.

HILLARD BENTGEN,
GRANT MACKLIN,
RUSSELL HEEMAN,
RESPONDENTS

Civil Penalty Proceedings

Docket No. LAKE 82-27-M
A/O No. 20-00608-050015-A

Docket No. LAKE 82-28-M
A/O No. 20-00608-05017-A

Docket No. LAKE 82-29-M
A/O No. 20-00608-050019-A

Ottawa Silica Company
Michigan Division Quarry and Mill

CORRECTIONS TO DECISION ISSUED OCTOBER 26, 1982

On page 5, Conclusion of Law No. 1 should read as follows:

1. Ottawa Silica Company violated the mandatory safety standard contained in 30 C.F.R. 56.9-2 in failing to correct the defective brakes on the Grove cherry picker crane #33 during the period October 31, 1980 to November 25, 1980, while it continued to operate the crane.

On page 5, Conclusion of Law No. 2 should read as follows:

2. Each of the Respondents was an agent of Ottawa Silica Company, a corporation, during the months of October and November, 1980.

James A. Broderick
Administrative Law Judge