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SOL (MSHA) V. WAYNE KENDALL
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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

CIVIL PENALTY PROCEEDING

Docket No. WEST 81-406-M
A.C. No. 04-00010-05025 A

v.

Crestmore Mine

WAYNE KENDALL,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Vail

This is a civil penalty proceeding filed by the petitioner against Wayne Kendall, (hereinafter "Kendall"), as an individual agent of the Riverside Cement Company, the corporate operator of the Crestmore Mine located in Riverside, California. Kendall in this case was acting as the operator's plant manager at the Crestmore Mine.

On November 1, 1979, Order No. 375785 was issued by the Mine Safety and Health Administration to the Riverside Cement Company, pursuant to section 107(a) of the Federal Mine Safety and Health Act, 30 U.S.C. 817(a), citing a violation of safety standard 30 C.F.R. 57.15-5. (FOOTNOTE 1) Said order reads as follows:

A serious accident occurred at the Crestmore Mine when an employee entered the feed hopper at the dynapactor (crusher) to free a bridged material hangup. The bridged material broke through dropping the employee onto the pan feeder and loose material from above came down covering the employee. Safety belts, lines, and a person in attendance on the line were not being used in this dangerous location.

