

CCASE:
SOL (MSHA) V. MAR-LAND INDUSTRIAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE

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

v.

MAR-LAND INDUSTRIAL CONTRACTOR,
INCORPORATED,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. SE 90-117-M
A. C. No. 54-00001-05503 BOY

Ponce Cement or
Ponce Cement Plant

DECISION ON REMAND

Before: Judge Weisberger

On May 27, 1992, the Commission issued a decision in this matter to me ". . . for reassessment of a civil penalty in light of the considerations set forth above". (Mar-Land Industrial Contractor, Inc., SE 90-117-M, 14 FMSHRC, ____ slip op., May 27, 1992).

In its decision, the Commission reversed my finding of high negligence (13 FMSHRC 333 (1991)), and concluded, with regard to the negligence of Mar-Land as follows: "we consider the degree of negligence with respect to the violation in issue to be ordinary". (Mar-Land, supra, slip op., at 6). In light of this consideration, and considering the remaining statutory factors as stipulated to be by the parties, I conclude that a penalty of \$1,000 is appropriate for the violation at issue.

It is ORDERED that within 30 days of this decision, Respondent pay \$1,000 as a civil penalty for the violation of 30 C.F.R. 56.15005.

Avram Weisberger
Administrative Law Judge