CCASE:

SOL (MSHA) V. BUFFALO CRUSHED

DDATE: 19941108 TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES 2 SKYLINE, 10th FLOOR 5203 LEESBURG PIKE FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS

MINE SAFETY AND HEALTH

ADMINISTRATION (MSHA), : Docket No. YORK 92-117-M
Petitioner : A. C. No. 30-00012-05516

. A. C. NO. 30 00012 C

V.

Docket No. YORK 92-128-M BUFFALO CRUSHED STONE, A. C. No. 30-00012-05517

Respondent :

DECISION ON REMAND

Before: Judge Weisberger

On October 31, 1994, the Commission issued a decision in these cases, 16 FMSHRC ÄÄÄÄÄÄ, which reversed my determination that five similar violations of 30 C.F.R. 56.9301 were not significant and substantial. The decision contains the following directive "we remand for reassessment of civil penalties in light of our determination."

1. Buffalo Crushed Stone, 15 FMSHRC 1641 (August 1993).

ORDER

It is ORDERED that Respondent, within 30 days of this decision, shall pay a civil penalty of \$430.

Avram Weisberger Administrative Law Judge

Distribution:

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2. The initial decision I issued on August 11, 1993, 15 FMSHRC, 1641, supra ordered Respondent to pay a penalty of \$820, which included a \$50 penalty for each of the five citations which are the subject of this remanded decision. Hence, Respondent is presently ordered to pay a civil penalty of \$86 for each of these citation, i.e., the difference between the original penalty of \$50, and the present finding of a penalty of \$136.