

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

721 19th Street, Suite 443
Denver, CO 80202-2500
303-844-3577/FAX 303-844-5268

June 23, 2010

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION, (MSHA),	:	Docket No. CENT 2009-334-M
Petitioner	:	A.C. No. 39-00024-178265
	:	
v.	:	
	:	
SPENCER QUARRIES, INC.,	:	Spencer Quarries, Inc.
Respondent	:	

ORDER CORRECTING DECISION

This case is before me on a petition for assessment of civil penalty filed by the Secretary of Labor, acting through the Mine Safety and Health Administration (“MSHA”), against Spencer Quarries, Inc., (“Spencer”) pursuant to sections 105 and 110 of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 815 and 820 (the “Mine Act”). The case involves four citations. Citation Nos. 6328706 and 6328712 were adjudicated at a hearing held on April 13, 2010 and Spencer agreed to pay the Secretary’s proposed penalties for Citation Nos. 6328708 and 6328711. On June 17, 2010, I issued my decision on the two adjudicated citations but I inadvertently did not include in the decision a discussion of the other two citations. Citation No. 6328708 alleges a violation of section 56.11012 of MSHA’s safety standards and the Secretary proposed a penalty of \$100.00 for the citation. Citation No. 6328711 alleges a violation of section 56.14100(d) of MSHA’s safety standards and the Secretary proposed a penalty of \$100.00 for the citation. I find that these proposed penalties are appropriate under the criteria set forth in Section 110(i) of the Act.

Consequently, Citation Nos. 6328708 and 6328711 are **AFFIRMED** and my order in Section III of my June 17, 2010, decision is **CORRECTED** to show that Spencer Quarries, Inc., is **ORDERED TO PAY** the Secretary of Labor the sum of \$1,504.00 within 30 days of the date of this order.¹

Richard W. Manning
Administrative Law Judge

¹ Payment should be sent to the Mine Safety and Health Administration, U.S. Department of Labor, Payment Office, P.O. Box 790390, St. Louis, MO 63179-0390.

Distribution:

Ronald S. Goldade, Conference & Litigation Representative, Mine Safety and Health Administration, P.O. Box 25367, Denver, CO 80225-0367 (E-mail and First Class Mail)

Jeffrey A. Sar, Esq., Baron, Sar, Godwin, Gill & Lohr, PO Box 717, Sioux City, IA 51102 (E-Mail and First Class Mail)

RWM