

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

June 25, 1996

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. CENT 93-238-M
Petitioner : A.C. No. 03-01619-05503
v. :
: Blue Bayou Sand and Gravel
BLUE BAYOU SAND AND GRAVEL, :
Respondent :

DECISION ON REMAND

Before: Judge Weisberger

On June 19, 1996, the Commission issued a decision in this matter reversing my initial conclusions that the violation at issue was not S&S and did not present any imminent danger. The Commission remanded Afor reassessment of the civil penalty consistent with this decision (Docket No. CENT 93-238, June 19, 1996, slip. op. at 8).

Consistent with the Commission's decision that the violation at issue was S&S and an imminent danger, I find that the level of gravity of the of the violation is very high. In evaluating the factors set forth in Section 110(c) of the Act, I consider most significant the factor of gravity due to its high level. I find accordingly, that a penalty of \$1,200 is appropriate.

ORDER

It is ORDERED that, within 30 days of this decision, Respondent shall pay a civil penalty of \$1,200 for the violation set forth in citation/order No. 4116491.

Avram Weisberger
Administrative Law Judge

Distribution:

Susan E. Long, Esq., Office of the Solicitor, U.S. Department
of Labor, 4015 Wilson Blvd., Suite 516, Arlington, VA 22203
(Certified Mail)

David J. Potter, Esq., 901 North State Line Avenue, Texarkana,
TX 75501-5268 (Certified Mail)

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