

CCASE:

MSHA V. HALQUIST STONE

DDATE:

19810706

TTEXT:

FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.

July 6, 1981

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

v.

Docket No. VINC 79-118-PM

HALQUIST STONE COMPANY, INC.

DECISION

This case arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §801 et seq. (Supp. III 1979), and raises the same legal questions that were before us in Waukesha Lime and Stone Company, Inc., Docket No. 79-66-PM (July 6, 1981). Our decision in Waukesha resolves this question in the Secretary's favor.

Accordingly, we affirm the judge's finding of a violation and his assessment of a \$700 penalty. 1/

We reject Halquist's assertion that it did not prevent the inspector from continuing his inspection. Substantial evidence supports the judge's contrary finding.

~1701

Distribution

Michael A. McCord, Esq.

U.S. Department of Labor

Office of the Solicitor

4015 Wilson Boulevard

Arlington, VA 22203

Paul Binzak, Esq.

Kraemer and Binzak, S.C.

16800 Appleton Avenue

Menominee Falls, Wisconsin 53051

ALJ James A. Broderick

Chief Administrative Law Judge

FMSHRC

1730 K Street, N.W.

Washington, D.C. 20006