

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVE., N.W., SUITE 520N
WASHINGTON, DC 20004-1710

October 14, 2020

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

v.

AMERICAN ROCK SALT COMPANY
LLC

:
:
:
:
:
:
:
:
:
:

Docket No. YORK 2019-0068-M
A.C. No. 30-03255-484824


BEFORE: Rajkovich, Chairman; Althen and Traynor, Commissioners

ORDER

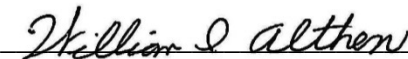
BY THE COMMISSION:

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2018) (“Mine Act”). The Commission has received a motion from the operator seeking to reopen a penalty assessment which had become a final order of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 815(a). The Secretary of Labor states that he does not oppose the motion.

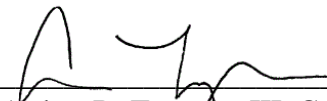
Having reviewed movant’s unopposed motion to reopen, we reopen this matter and remand it to the Chief Administrative Law Judge for further proceedings pursuant to the Mine Act and the Commission’s Procedural Rules, 29 C.F.R. Part 2700. Consistent with Rule 28, the Secretary shall file a petition for assessment of penalty within 45 days of the date of this order. *See* 29 C.F.R. § 2700.28.



Marco M. Rajkovich, Jr., Chairman



William I. Althen, Commissioner



Arthur R. Traynor, III, Commissioner

Distribution (e-mail):

Thomas A. DeSimon
Harris Beach PLLC
99 Garnsey Road
Pittsford, NY 14534
tdesimon@harrisbeach.com

Emily Scott, Esq.
Office of the Solicitor
U.S. Department of Labor
201 12th Street South, Suite 401
Arlington, VA 22202-5450
Scott.Emily.T@dol.gov

April Nelson, Esq.
Office of the Solicitor
US Department of Labor
201 12th St. South, Suite 401
Arlington, VA 22202-5450
nelson.april@dol.gov

Melanie Garris
Office of Civil Penalty Compliance
Mine Safety and Health Administration
201 12th St. South, Suite 401
Arlington, VA 22202-5450
Garris.Melanie@DOL.GOV

Chief Administrative Law Judge Glenn Voisin
Federal Mine Safety & Health Review Commission
Office of Administrative Law Judges
1331 Pennsylvania Ave., N.W., Suite 520N
Washington, DC 20004-1710
GVoisin@fmshrc.gov