

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVE., N.W., SUITE 520N

WASHINGTON, DC 20004-1710

OCT 19 2016

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

v.

SOLVAY CHEMICALS, INC.¹

:
:
:
: Docket No. WEST 2015-342-M
: A.C. No. 48-01295-363072
:
: Docket No. WEST 2015-343-M
: A.C. No. 48-01295-355137

BEFORE: Jordan, Chairman; Young, Cohen, and Althen, Commissioners

ORDER


BY THE COMMISSION:

These matters arise under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2012) (“Mine Act”). The Commission has received two motions from the operator seeking to reopen two penalty assessments which had become final orders of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 813(a). The Secretary states that he does not oppose the motions.

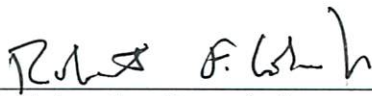
Having reviewed movant’s unopposed motions to reopen, we reopen these matters and remand them to the Chief Administrative Law Judge for further proceedings pursuant to the Mine Act and the Commission’s Procedural Rules, 29 C.F.R. Part 2700. Consistent with Rule 28, the Secretary shall file petitions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

¹ For the limited purpose of addressing these motions to reopen, we hereby consolidate docket numbers WEST 2015-342-M and WEST 2015-343-M involving similar procedural issues. 29 C.F.R. § 2700.12.

The granting of these motions is not precedential for the consideration of any other motion before the Commission.


Mary Lu Jordan, Chairman


Michael G. Young, Commissioner


Robert F. Cohen Jr., Commissioner


William I. Althen, Commissioner

Distribution:

Rowdy Heiser, Safety Manager
Solvay Chemicals, Inc.
400 County Road 85
Green River, WY 82935

W. Christian Schumann, Esq.
Office of the Solicitor
U.S. Department of Labor
201 12th St. South, Suite 401
Arlington, VA 22202-5450

Chief Administrative Law Judge Robert J. Lesnick
Federal Mine Safety & Health Review Commission
1331 Pennsylvania Ave. N.W., Suite 520N
Washington, DC 20004-1710

Melanie Garris
Office of Civil Penalty Compliance
Mine Safety and Health Administration
U.S. Department of Labor
201 12th St. South, Suite 401
Arlington, VA 22202-5450