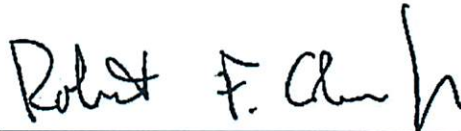


Records of the Department of Labor's Mine Safety and Health Administration ("MSHA") indicate that the proposed assessment was delivered on June 26, 2013, signed for by Margaret Estep, and became a final order of the Commission on July 26, 2013. Eddie Joe Estep asserts that he relocated in June and never received the proposed assessment. Estep further states that he discovered the delinquency on September 13, 2013 upon checking MSHA's Data Retrieval System. The Secretary does not oppose the request to reopen, but notes that the address of record was only changed on November 18, 2013. The Secretary urges the contractor to take steps to ensure that future penalty contests are timely filed.

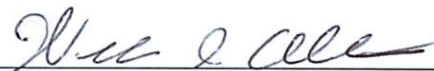
Having reviewed this request and the Secretary's response, in the interest of justice, we hereby reopen this matter and remand it to the Chief Administrative Law Judge for further proceedings pursuant to the Mine Act and the Commission's Procedural Rules, 29 C.F.R. Part 2700. Accordingly, consistent 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.



Patrick K. Nakamura, Acting Chairman



Robert F. Cohen, Jr., Commissioner



William I. Althen, Commissioner

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