

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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**March 11, 2025**

SECRETARY OF LABOR  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)

v.

R.J. VALENTE GRAVEL, INC.

Docket No. YORK 2023-0115  
A.C. No. 30-03434-578738

BEFORE: Jordan, Chair; Baker and Marvit, Commissioners

**ORDER**

BY THE COMMISSION:

On June 3, 2024, the Commission issued an order reopening this case against R.J. Valente Gravel, Incorporated (“R.J. Valente”), which had become a final order of the Commission, and remanding it to the Chief Administrative Law Judge for further proceedings. The Secretary appealed the Commission’s order to the Court of Appeals for the District of Columbia Circuit. On August 13, 2024, the Commission’s Chief Judge issued an order staying this proceeding pending the D.C. Circuit’s review of the order to reopen.

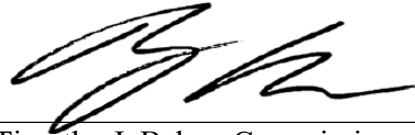
On August 14, 2024, R.J. Valente filed with the D.C. Circuit a motion to dismiss the appeal on the basis that it had accepted the citation as assessed and paid the full penalty amount to the Mine Safety and Health Administration (“MSHA”), rendering the case moot. Finding that the operator had “paid the penalty giving rise to the underlying proceeding before the Commission” and “concede[d] that it ha[d] obtained all the relief it [sought],” the Circuit Court granted the operator’s motion, dismissed the appeal as moot, and remanded the case to the Commission. The Court’s mandate returning jurisdiction to the Commission was issued on January 7, 2025.

Accordingly, in light of the operator's payment of the penalty and acceptance of the citation as assessed, the Chief Judge's order of stay is lifted, and this proceeding is dismissed as moot.



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Mary Lu Jordan, Chair



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Timothy J. Baker, Commissioner



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Moshe Z. Marvit, Commissioner

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