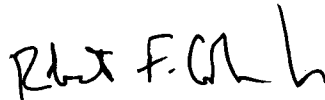


order of the Commission on March 5, 2014. LCT asserts that it failed to timely contest the proposed assessment due to a clerical error, and has altered its procedures to ensure that future proposed assessments are timely contested. LCT made timely payment to MSHA for the citations it did not contest, and filed its motion to reopen very shortly after receiving a notice of delinquency. The Secretary does not oppose the request to reopen.

Having reviewed LCT's 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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