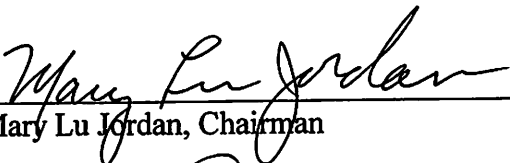


Records of the Department of Labor's Mine Safety and Health Administration ("MSHA") indicate that the proposed assessment was delivered on February 22, 2014, and became a final order of the Commission on March 24, 2014. On January 14, 2014, the Chief Judge issued an order staying the dockets in this matter pending the assessment of proposed penalties. Wake asserts that it misread this order to mean that the operator's obligation to contest the proposed assessment of penalties was stayed. The Secretary asserts that the Chief Judge's order did not stay the Secretary's issuance of the proposed assessment or the operator's obligation to contest the proposed assessment. The Secretary does not oppose the request to reopen, but urges the operator to take steps to ensure that future penalty contests are timely filed.


Having reviewed Wake'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.



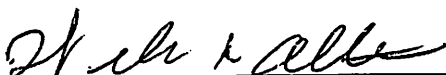
Mary Lu Jordan, Chairman



Michael G. Young, Commissioner



Patrick K. Nakamura, Commissioner



William I. Althen, Commissioner

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