

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVE., N.W., SUITE 520N
WASHINGTON, DC 20004-1710

August 3, 2022

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	Docket No. LAKE 2020-0189-M
v.	:	A.C. No. 11-00214-494016
	:	
CALLENDER CONSTRUCTION	:	
COMPANY, INC.	:	

BEFORE: Traynor, Chair; Althen and Rajkovich, Commissioners

ORDER

BY THE COMMISSION:

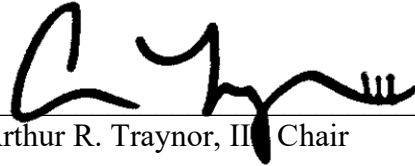
This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2018) (“Mine Act”). On May 29, 2020, the Commission received from Callender Construction Company, Inc. (“Callender”) a motion seeking to reopen a penalty assessment that had become a final order of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 815(a).

The operator’s motion referenced the A.C. No. for the case as 11-00214-494016, and requested to reopen the case to contest Citation Nos. 9387298, 9387397¹ and 9387296. It appears that the operator has paid the outstanding civil penalties associated with the citations at issue.

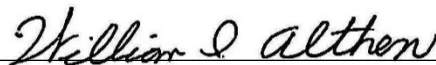
We note that the Commission’s acknowledgement letter incorrectly listed the A.C. No. as 11-00214-498359. On June 3, 2020, the Commission received a response from the Secretary of Labor stating that he does not oppose the motion to reopen, but the Secretary’s response referenced the same A.C. number as the Commission’s May 29 acknowledgment letter and addressed different citations from the operator.

¹ The operator has listed this citation number incorrectly in its motion to reopen. The correct citation number is 9387297.

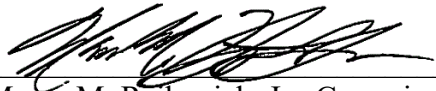
Since it appears the penalties at issue in this motion to reopen have already been paid, the parties are hereby **ORDERED TO SHOW CAUSE** within 30 days of the date of this order why this case, AC. No. 11-00214-494016, should not be dismissed.



Arthur R. Traynor, II Chair



William I. Althen, Commissioner



Marco M. Rajkovich, Jr., Commissioner

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