

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

September 6, 2024

SECRETARY OF LABOR, :
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
v. : Docket No. PENN 2024-0007
ASGCO MANUFACTURING INC. : A.C. No. 36-10240-583649

BEFORE: Jordan, Chair; Baker, and Marvit, 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 October 31, 2023, the Commission received from ASGCO Manufacturing Inc. (“ASGCO”) 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 Secretary of Labor does not oppose the motion to reopen, but notes that MSHA received full payment of the single citation at issue on November 10, 2023. The Secretary asserts that, because the operator has now paid the penalty it wished to reopen, there is no longer any issue for the Commission to decide.

Since it appears the penalty at issue in this motion to reopen has already been paid, ASGCO is hereby **ORDERED TO SHOW CAUSE** within 30 days of the date of this order why this case should not be dismissed. Any response should explain whether ASGCO still wishes to contest the penalty, and if so, why the penalty has since been paid.



Mary Lu Jordan, Chair



Timothy J. Baker, Commissioner



Moshe Z. Marvit, Commissioner

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