

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

May 14, 2021

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	Docket No. KENT 2015-0644
v.	:	A.C. No. 15-18870-387869A
	:	
ARNOLD HOSKINS	:	

BEFORE: Traynor, Chair; Althen and Rajkovich, Commissioners

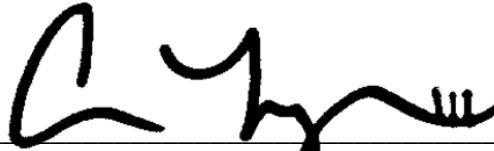
ORDER

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 July 3, 2018, the Commission received from Arnold Hoskins a motion to reopen the above-captioned civil penalty proceeding. In the motion, Hoskins explains that he had filed a timely contest of a proposed penalty assessment in the amount of \$4,800 for an alleged violation related to Citation No. 8400829-00019613A. He states that, although he was never afforded an opportunity for a hearing on the contest, he received a notice from the Department of Labor’s Mine Safety and Health Administration informing him that he was delinquent in paying the \$4,800 penalty.

On November 21, 2017, the Chief Administrative Law Judge issued an Order to Show Cause and Dismissal Order. In the order, the Judge directed the Secretary of Labor to submit a penalty petition and an explanation stating why he failed to initially submit the penalty petition in a timely fashion. The order further stated that if the Secretary failed to do so, on the thirty-first day after the November 21 order, the case would be dismissed. The Secretary failed to submit a petition, and the case was dismissed on December 22, 2017.

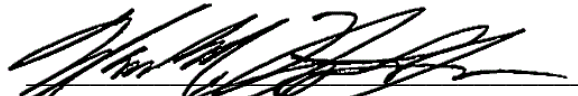
This case has been dismissed; the proposed penalty of \$4,800 has not been assessed and no penalty is owed or collectible. Therefore, we deny Hoskins' motion to reopen as moot.



Arthur R. Traynor, III, Chair



William I. Althen, Commissioner



Marco M. Rajkovich, Jr., Commissioner

Distribution:

Arnold Hoskins
5881 Mt. Zion Road
East Bernstadt, KY 40729

Archith Ramkumar, Esq.
Office of the Solicitor
U.S. Department of Labor
201 12th Street South, Suite 401
Arlington, VA 22202
Ramkumar.Archith@dol.gov

April Nelson, Esq.
Office of the Solicitor
U.S. Department of Labor
201 12th Street South, Suite 401
Arlington, VA 22202-5452
Nelson.April@dol.gov

Melanie Garris
Office of Civil Penalty Compliance
Mine Safety and Health Administration
201 12th Street South, Suite 401
Arlington, VA 22202-5452
Garris.Melanie@DOL.GOV

Chief Administrative Law Judge Glynn Voisin
Federal Mine Safety & Health Review Commission
Office of the Chief Administrative Law Judge
1331 Pennsylvania Avenue, NW, Suite 520N
Washington, DC 20004-1710
GVoisin@fmshrc.gov