

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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

**March 21, 2025**

SECRETARY OF LABOR  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)  
on behalf of ALVARO SALDIVAR

v.

CALPORTLAND COMPANY  
on behalf of GRIMES ROCK, INC.

Docket No. WEST 2021-0178-DM

BEFORE: Jordan, Chair; Baker and Marvit, Commissioners

**ORDER**

BY: THE COMMISSION

This case arises under section 105(c)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c)(2) (2018).<sup>1</sup> It involves the granting of temporary reinstatement for a miner employed by Grimes Rock, Inc. (“Grimes Rock”). On December 20, 2024, Grimes Rock filed a petition for discretionary review of the above-captioned docket, which the Commission granted. On March 18, 2025, CalPortland Company (“CalPortland”) filed a Notice of Operator Change informing the Commission that the facility operating under Mine ID 04-05432 is now

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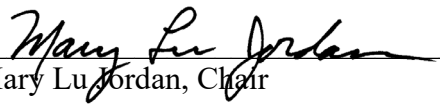
<sup>1</sup> 30 U.S.C. § 815(c)(2) provides in pertinent part:

Any miner . . . who believes that he has been discharged, interfered with, or otherwise discriminated against by any person in violation of this subsection may, within 60 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall forward a copy of the complaint to the respondent and shall cause such investigation to be made as he deems appropriate. Such investigation shall commence within 15 days of the Secretary’s receipt of the complaint, and if the Secretary finds that such complaint was not frivolously brought, the Commission, on an expedited basis upon application of the Secretary, shall order the immediate reinstatement of the miner pending final order on the complaint.

operated by CalPortland and that moving forward the respondent in the instant matter will list the current operator as “CalPortland on behalf of Grimes Rock, Inc.”

In light of the operator’s submission, we hereby amend the caption to reflect the change in operator.

On March 18, 2025, CalPortland on behalf of Grimes Rock also filed an unopposed motion to dismiss this case. Upon consideration of CalPortland’s motion, the Commission’s direction for review is hereby VACATED and the operator’s appeal is DISMISSED.

  
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Mary Lu Jordan, Chair

  
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Timothy J. Baker, Commissioner

  
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Moshe Z. Marvit, Commissioner

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