

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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August 17, 2026

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),

v.

CENTRAL STONE COMPANY

Docket No. CENT 2025-0213
A.C. No. 23-00106-617160

BEFORE: Rajkovich, Chair; Jordan, and Baker, Commissioners

ORDER

BY THE COMMISSION:

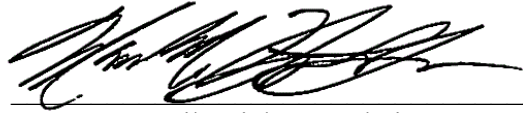
This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2024) (“Mine Act”). On December 1, 2025, the Commission received from Central Stone Company (“Central Stone”) a motion seeking to reopen a penalty assessment proceeding and relieve it from the Default Order entered against it.

On July 28, 2025, the Chief Administrative Law Judge issued an Order to Show Cause in response to Central Stone’s perceived failure to answer the Secretary of Labor’s May 28, 2025, Petition for Assessment of Civil Penalty. By its terms, the Order to Show Cause was deemed a Default Order on August 28, 2025, when it appeared that the operator had not filed an answer within 30 days.

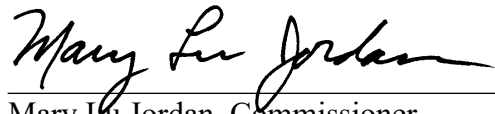
Central Stone asserts that it did not receive the Order to Show Cause. When the Secretary later forwarded a copy of the Commission’s Order to the operator, Central Stone discovered that the Commission made a typographical error in its email address. The Secretary does not oppose the motion to reopen and confirms that the Order to Show Cause was in fact incorrectly addressed.

A Judge’s jurisdiction over a proceeding terminates when a default occurs. 29 C.F.R. § 2700.69(b). Under the Mine Act and the Commission’s procedural rules, relief from a Judge’s decision may be sought by filing a petition for discretionary review within 30 days of its issuance. 30 U.S.C. § 823(d)(2)(A)(i); 29 C.F.R. § 2700.70(a). If the Commission does not direct review within 40 days of a decision’s issuance, it becomes a final decision of the Commission. 30 U.S.C. § 823(d)(1).

The Order to Show Cause was not properly served on Central Stone and therefore it did not result in a final order of default. Accordingly, the operator's motion is denied as moot. *See Material Sand & Stone Corp.*, 48 FMSHRC 184, 185 (Apr. 2026). This case remains open and is remanded 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.



Marco M. Rajkovich, Jr., Chair



Mary Lu Jordan, Commissioner



Timothy J. Baker, Commissioner

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