

FEDERAL MINE **SAFETY AND** HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES

2 SKYLINE, 10th FLOOR

5203 LEESBURG PIKE

FALLS CHURCH, VIRGINIA 22041

OCT 4 1984

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Petitioner : Docket No. WEVA 84-137
v. : A.C. No. 46-05529-03505
JUMACRIS MINING, INC., :
Respondent : Docket No. WEVA 84-138
: A.C. No. 46-05529-03507
: Jumacris No. 10 Mine

DECISION

Appearances: Leo J. McGinn, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Petitioner;
Mr. Floyd Barnette, Jr., Owner, Jumacris
Mining, Inc., Gilbert, West Virginia, for
Respondent.

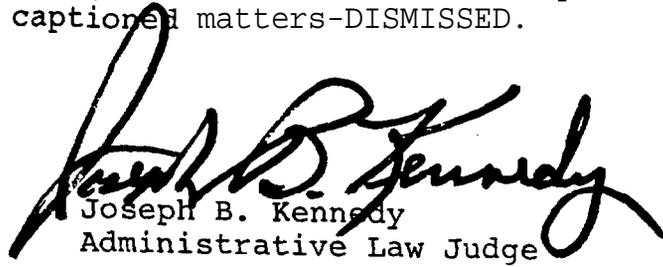
Before: Judge Kennedy

The captioned matters came on for an evidentiary hearing in Paintsville, Kentucky, on July 11, 1984. As a result, the trial judge entered tentative bench decisions with respect to three of the four violations that appear at pages 184, 234, and 272 of the transcript finding the violations charged did, in fact, occur and assessing penalties as follows:

Citation 2145237 - \$300
Order 2145238 - \$1,000
Order 2145239 - \$250

Finally, the trial judge entered an order approving settlement of Order- 2145240 in the amount of \$300 (Tr. 282). After receipt of the transcript an order issued to show cause why the tentative bench decisions should not be affirmed as the trial judge's final disposition and decision in this matter.

No cause to the contrary having been shown, it is ORDERED that the tentative bench decisions and order approving settlement be, and hereby are, ADOPTED and AFFIRMED as the final decision in this matter. It is FURTHER ORDERED that the operator pay the amount of the penalties assessed and agreed upon, in the amount of \$1,850 on or before Friday, October 26, 1984, and the captioned matters-DISMISSED.


Joseph B. Kennedy
Administrative Law Judge

Distribution:

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Mr. Floyd Barnette, Jr., Owner, Jumacris Mining, Inc., Drawer D, Gilbert, WV 25621 (Certified Mail)

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