

CCASE:  
SOL (MSHA) V. WESTERN ROCK PRODUCTS  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEST 84-50-M  
A.C. No. 42-01833-05505

V

Delta Pit

WESTERN ROCK PRODUCTS  
CORPORATION,  
RESPONDENT

DECISION

Appearances: Robert J. Lesnick, Esq., Office of the Solicitor,  
U.S. Department of Labor, Denver, Colorado,  
for Petitioner;  
No appearance for Respondent.

Before: Judge Morris

The Secretary of Labor, on behalf of the Mine Safety and Health Administration, charges respondent with violating safety regulations promulgated under the Federal Mine Safety and Health Act, 30 U.S.C. 801 et seq.

After notice to the parties, a hearing commenced on December 5, 1984 in Las Vegas, Nevada.

At the commencement of the hearing counsel for the Secretary advised the judge that the parties had reached an amicable settlement.

The citations, the standards allegedly violated, the initial assessments, and the proposed dispositions are as follows:

Citation No.	30 CFR Section Violated	Assessed Penalty	Disposition
2008016	56.12-25	98	56
2008017	56.4-10	20	20
2008019	56.12-25	98	56
2083820	56.12-28	20	20
2083944	56.4-2	20	20
2083948	56.4-12	20	20
2083949	56.12-25	68	56
2083983	56.12-25	98	56
2083950	56.9-6	54	56
2083982	56.12-1	20	20

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In connection with Citations 2008016, 2008019, 2083949 and 2083983, the Secretary states his Office of Assessments failed to give full credit for respondent's prior history. Accordingly, the proposed assessments for those citations should be reduced.

The remaining citations are essentially in accordance with the Secretary's evaluation and the penalties, as originally assessed, should be affirmed.

The proposed settlement is in order and it should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement agreement is APPROVED.

2. The following citations and penalties, as noted, are AFFIRMED.

Citation No.	Penalty
2008016	56
2008017	20
2008019	56
2083820	20
2083944	20
2083948	20
2083949	56
2083983	56
2083950	56
2083982	20

3. Respondent is ordered to pay to the Secretary the sum of 380 within 40 days of the date of this decision.

John J. Morris  
Administrative Law Judge