

CCASE:
SOL (MSHA) V. WESTERN ROCK
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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 84-54-M
A.C. No. 42-01833-05507

v.

Delta Pit

WESTERN ROCK PRODUCTS
CORPORATION,
RESPONDENT

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

DECISION

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 |
|--------------|-------------------------|------------------|-------------|
| 2083947 A | 56.12-25 | \$500 | \$500 |
| 2083947 B | 56.12-8 | 500 | 500 |
| 2083947 C | 56.12-8 | 200 | 200 |
| 2083947 D | 56.12-8 | 200 | 200 |
| 2083947 E | 56.12-8 | 200 | 200 |
| 2083947 F | 56.12-8 | 200 | 200 |
| 2083947 G | 56.12-25 | 500 | 500 |
| 2083947 H | 56.12-25 | 500 | 500 |
| 2083947 I | 56.12-2 | 700 | 700 |

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In support of his motion the Secretary states that he relies on and agrees with the assessments proposed by his Office of Assessments.

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

Accordingly, I enter the following:

ORDER

1. The proposed settlement agreement is APPROVED.

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

| Citation No. | Penalty |
|--------------|---------|
| 2083947 A | \$500 |
| 2083947 B | 500 |
| 2083947 C | 200 |
| 2083947 D | 200 |
| 2083947 E | 200 |
| 2083947 F | 200 |
| 2083947 G | 500 |
| 2083947 H | 500 |
| 2083947 I | 700 |

3. Respondent is ordered to pay to the Secretary the sum of \$3,500 within 40 days of the date of this decision.

John J. Morris
Administrative Law Judge