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SOL (MSHA) v. TEXAS MINING  
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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. CENT 85-10-M  
A.C. No. 41-01003-05501

v.

Voca Pit & Plant

TEXAS MINING COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

The Parties have filed a Stipulation and Motion to Approve Settlement Agreement in the above-referenced matter. At issue is one violation originally assessed at \$36. Settlement is proposed for the original amount.

Citation No. 2232600 was issued for violation of 30 C.F.R. 56.11-1, for failure to provide a safe means of access to a working place. The Solicitor represents that the inclined stairway which runs alongside the sand classifier is separated by a 15 inch step from the platform upon which the employee stands while servicing the classifier. Negligence and gravity were moderate. The Solicitor further represents that the operator abated the citation immediately by raising the stairway landing so that it was level with the platform.

The operator is small with no recorded violation in the preceding 24 month period.

I accept the Solicitor's representations and hereby APPROVE the settlement.

ORDER

The operator having paid the penalty this case is hereby DISMISSED.

Paul Merlin  
Chief Administrative Law Judge