

CCASE:  
SOL (MSHA) v. SOUTHWESTERN ILLINOIS COAL  
DDATE:  
19850830  
TTEXT:

~1312

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. LAKE 82-38  
A.C. No. 11-00609-03034

v.

Captain Mine

SOUTHWESTERN ILLINOIS COAL  
CORP.,  
RESPONDENT

DECISION ON REMAND

Before: Judge Broderick

By a decision issued May 15, 1985, the Commission concluded that Respondent violated 30 C.F.R. 77.1710(g) and remanded the case to me for determination whether the violation was significant and substantial and for the assessment of an appropriate civil penalty.

On August 2, 1985, the Secretary filed a motion to dismiss and approve a settlement entered into by the parties. The parties agree that the violation was significant and substantial because it could result in a serious injury or fatality. They agree to settle the case for \$70 (it was originally assessed at \$90). The motion states that Respondent was not negligent, and that it corrected the violation by disciplining the miner involved and instructing the employees on the need for using safety belts.

I conclude that the motion should be granted. I conclude that the violation was significant and substantial. An appropriate penalty for the violation is \$70.

Respondent is ORDERED to pay the sum of \$70 within 30 days of the date of this decision.

James A. Broderick  
Administrative Law Judge