

CCASE:
SOL (MSHA) V. HELEN MINING
DDATE:
19870622
TTEXT:

~1124

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. PENN 87-102
A.C. No. 36-00926-03658

v.

Homer City Mine

HELEN MINING COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT
ORDER TO PAY

Before: Judge Merlin

The Solicitor has filed a motion to approve settlement of the violation involved in this cases. The original assessment was \$800 and the proposed settlement is for \$500.

The subject order was issued for a violation of 30 C.F.R. 75.200 when an MSHA inspector detected six missing roof bolts and one loose roof bolt at the M butt construction overcast in the Muddy Run area. The Solicitor represents that a reduction from the original assessment is warranted because the special assessment narrative erroneously stated that a "foreman was observed in the unsupported area." The inspector, however, did not observe individuals working under unsupported roof, and did not charge such conduct in his order.

In light of this information regarding the discrepancies between the assessment narrative and the factual basis for the order, I approve the recommended settlement.

Accordingly, the motion to approve settlement is GRANTED and the operator is ORDERED TO PAY \$500 within 30 days of the date of this decision.

Paul Merlin
Chief Administrative Law Judge