

CCASE:  
SOL (MSHA) V. MAYLAND STONE  
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TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. SE 89-96-M  
A.C. No. 31-01568-05507

v.

Daybook Mine

MAYLAND STONE COMPANY, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Ken Welsch, Esq., Office of the Solicitor,  
U.S. Department of Labor, Atlanta, Georgia,  
for the Secretary of Labor; Lloyd Hise, Jr., Esq.,  
Spruce Pine, North Carolina, for Mayland Stone  
Company, Inc.

Before: Judge Broderick

The above case was called for hearing on February 6, 1990,  
in Asheville, North Carolina. The Secretary made a motion on the  
record that a settlement agreement between the parties, whereby  
Respondent would pay the amount originally assessed, \$600, be  
approved by the Commission.

Respondent operates a crushed stone facility. It employs 10  
persons on one shift. During 1988, 80,550 man hours were worked  
at the mine. During the two years prior to the violation involved  
in this proceeding, Respondent had 7 paid violations of mandatory  
standards, including one violation of the berm standard, 30  
C.F.R. 56.9300, which is involved herein. The violation in this  
case was serious and was caused by Respondent's negligence. I  
have considered the motion in the light of the criteria in  
section 110(i) of the Act and conclude that it should be  
approved.

Accordingly, the settlement is APPROVED and Respondent is  
ORDERED TO PAY the sum of \$600 within 30 days of the date of this  
order.

James A. Broderick  
Administrative Law Judge