

CCASE:  
SOL (MSHA) v. SANGER ROCK & SAND  
DDATE:  
19910111  
TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
THE FEDERAL BUILDING  
ROOM 280, 1244 SPEER BOULEVARD  
DENVER, CO 80204

SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), PETITIONER		CIVIL PENALTY PROCEEDING  Docket No. WEST 88-275-M A.C. No. 04-01937-05505
v.		Docket No. WEST 89-71-M A.C. No. 04-01937-05506
SANGER ROCK & SAND, RESPONDENT		Sanger Pit and Mill

DECISION APPROVING SETTLEMENT  
AFTER REMAND

Before: Judge Morris

On September 19, 1990, the Commission remanded the above case.

Prior to considering the issues raised in the order of remand, the parties filed a proposed settlement agreement.

Robert Pountney, the successor-in-interest and current representative of Respondent Sanger Rock and Sand, agreed to withdraw its notice of contest.

In view of Respondent's motion to withdraw, Petitioner agreed to dismiss the complaints.

The citations, the original assessments, and the proposed disposition are as follows:

Citation No.	Assessment	Disposition
3076869	\$20	\$20
3074994	\$20	\$20

I have reviewed the proposed settlement and I find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement agreement is APPROVED.
2. The above citations and proposed penalties are AFFIRMED.

~47

3. Respondent is ORDERED to pay the sum of \$40 to the Secretary of Labor within 15 days of the date of this decision.

4. Upon payment of said amount by Respondent to Petitioner, the cases herein are DISMISSED.

John J. Morris  
Administrative Law Judge