

CCASE:
PYRO MINING v. SOL MSHA)
DDATE:
19910729
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

CONTEST PROCEEDINGS

PYRO MINING COMPANY,
CONTESTANT
v.

Docket No. KENT 90-340-R
Order No. 3421655; 6/9/90

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

Docket No. KENT 90-341-R
Order No. 3421656; 6/9/90

Docket No. KENT 90-343-R
Citation No. 3419883; 6/12/90

Pyro No. 9 Slope, Wheatcroft Mine

Mine ID 15-13920

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

CIVIL PENALTY PROCEEDING

Docket No. KENT 91-66
A. C. No. 15-13920-03684

PYRO MINING COMPANY,
RESPONDENT

Pyro No. 9 Wheatcroft

DECISION APPROVING SETTLEMENT

Appearances: W. F. Taylor, Esq., U. S. Department of Labor,
Office of the Solicitor, Nashville, Tennessee,
for the Secretary;
Robert I. Cusick, Esq., Louisville, Kentucky,
for the Company.

Before: Judge Maurer

At the hearing, in Owensboro, Kentucky, on July 9, 1991, the parties jointly moved to settle these cases. They proposed to leave Order No. 3421655 (Docket No. KENT 90-340-R) as it is, and increase the assessed civil penalty from \$2000 to \$2500. The Secretary also moved, unopposed, to vacate Order No. 3421656 and Citation No. 3419883. I have considered the representations and

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documentation submitted in these cases, and I conclude that the proffered settlement, including the proposed vacation of the aforementioned order and citation is appropriate under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the motion for approval of their settlement is GRANTED, and it is ORDERED that the Pyro Mining Company pay a penalty of \$2500 within 30 days of this Decision. Order No. 3421656 and Citation No. 3419883 are hereby VACATED. The above captioned contest proceedings have accordingly been rendered moot and are therefore DISMISSED. Upon payment of the civil penalty in full, the above captioned civil penalty proceeding is likewise DISMISSED.

Roy J. Maurer
Administrative Law Judge