

CCASE:
MINUTEMEN COAL v. SOL (MSHA)
DDATE:
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TTEXT:

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

MINUTEMEN COAL CO., INC.,
CONTESTANT

v.

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

CONTEST PROCEEDING

Docket No. VA 91-415-R
Mine No. 4 44-04871

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

v.

MINUTEMEN COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. VA 91-470
A.C. No. 44-04871-03570D

No. 4 Mine

DECISION APPROVING SETTLEMENT
ORDER OF DISMISSAL

Before: Judge Broderick

On December 4, 1991, the Secretary of Labor (Secretary) and Minuteman Coal Co. Inc. (Minuteman) filed a Motion to Approve Settlement and to Withdraw Notice of Contest. The Secretary asserts that the violation alleged resulted from a deliberate act of tampering with dust filter media. Minutemen denies that it deliberately tampered with or altered any of the dust filter media. The violation was originally assessed at \$1200.

The motion states that the parties agree to settle the case by reducing the proposed penalty to \$960 based on a dispute between the parties as to the degree and existence of 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, IT IS ORDERED:

1. The settlement reached between the parties is APPROVED.

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2. Minuteman shall, within 30 days of the date of this order, pay the sum of \$960 as civil penalties for the violation alleged in the citation contested herein.

3. The contest proceeding Docket No. VA 91-415-R is DISMISSED.

James A. Broderick
Administrative Law Judge