

CCASE:
MOUNTAINEER COAL v. SOL (MSHA)
DDATE:
19920219
TTEXT:

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

MOUNTAINEER COAL COMPANY,
INC.,

CONTESTANT

v.

CONTEST PROCEEDINGS

Docket No. VA 91-413-R
Through VA 91-414-R

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

Citation No. 9861170; 4/4/91
Through No. 9861171; 4/4/91
No. 1 Mine 44-05090

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

v.

CIVIL PENALTY PROCEEDING

Docket No. VA 92-30
A. C. No. 44-05090-03589D

Mountaineer No. 4 Mine

MOUNTAINEER COAL COMPANY,
INC.,

RESPONDENT

DECISION APPROVING SETTLEMENT
ORDER OF DISMISSAL

Before: Judge Broderick

On December 4, 1991, the Secretary filed a motion to approve a settlement between the parties in the above case. The case includes 2 alleged violations of 30 C.F.R. 70.209(b), each of which was originally assessed at \$1100. The Secretary continues to assert that the violations resulted from a deliberate act, which is denied by the mine operator. The degree of negligence is disputed, and the parties agree to a reduction in the total penalties from \$2200 to \$1760.

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 motion is APPROVED. The operator is ORDERED to pay within 30 days of the date of this order the sum of \$1760 for the violations charged in this proceeding.

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IT IS FURTHER ORDERED that the contest proceedings are
DISMISSED.

James A. Broderick
Administrative Law Judge