

CCASE:
SOL (MSHA) V. WOODLAND HILLS MINING
DDATE:
19930707
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 92-712
Petitioner : A.C. No. 15-16801-03509
: :
v. : No. 1 Mine
: :
WOODLAND HILLS MINING COMPANY, :
Respondent :

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 93-170
Petitioner : A.C. No. 15-15637-03541
: :
v. : No. 1 Mine
: :
BROKEN HILL MINING COMPANY, :
Respondent :

DECISION

Appearances: Mary Sue Taylor, Esq., U.S. Department of Labor,
Office of the Solicitor, Nashville, Tennessee,
for Petitioner;
Mr. Hobart W. Anderson, Broken Hill Mining
Company, and Woodland Hills Mining, Ashland,
Kentucky for Respondent.

Before: Judge Weisberger

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). The cases were scheduled for hearing on June 16, 1993, in Huntington, West Virginia. At the hearing, the parties appeared and advised that they had reached a settlement covering the matters at issue. Petitioner made a motion to approve settlement agreements and to dismiss these cases. A reduction in penalty from \$486 to \$200 is proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act.

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WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay penalty of \$486 within 30 days of this order.

Avram Weisberger
Administrative Law Judge

Distribution:

Mary Sue Taylor, Esq., Office of the Solicitor, U. S. Department of Labor, 2002 Richard Jones Road, Suite B-201, Nashville, TN 37215 (by Fascimile and Regular Mail)

Mr. Hobart W. Anderson, President, Broken Hill Mining Company, and Woodland Hills Mining Company Inc., P.O. Box 989, Ashland, KY 41105 (by Fascimile and Regular Mail)

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