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SOL (MSHA) V. WESTERN ROCK PRODUCTS
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEST 84-49-M
A.C. No. 42-01572-05502

v.

Sorenson Pit

WESTERN ROCK PRODUCTS
CORPORATION,
RESPONDENT

DECISION

Appearances: Robert J. Lesnick, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
No appearance for respondent.

Before: Judge Morris

The Secretary of Labor, on behalf of the Mine Safety and Health Administration, charges respondent with violating safety regulations promulgated under the Federal Mine Safety and Health Act, 30 U.S.C. 801 et seq.

After notice to the parties, a hearing commenced on December 5, 1984 in Las Vegas, Nevada.

At the commencement of the hearing counsel for the Secretary advised the judge that the parties had reached an amicable settlement.

The citations, the standards allegedly violated, the initial assessments, and the proposed dispositions are as follows:

Citation No.	30 CFR Section Violated	Assessed Penalty	Disposition
2083838 A	56.12-32	500	120
2083838 B	56.12-8	400	120
2083838 C	56.12-13(b)	300	120
2083838 D	56.4-12	250	120
2083838 E	56.12-18	200	120

In support of the motion to reduce the proposed penalties the Secretary states that his Office of Assessments failed to give full credit for respondent's prior history.

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The proposed settlement is in order and it should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement agreement is APPROVED.

2. The following citations and penalties, as noted, are AFFIRMED.

Citation No.	Penalty
2083838 A	120
2083838 B	120
2083838 C	120
2083838 D	120
2083838 E	120

3. Respondent is ordered to pay to the Secretary the sum of 600.00 within 40 days of the date of this decision.

John J. Morris
Administrative Law Judge