

CCASE:  
SOL (MSHA) V. WESTERN ROCK  
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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 84-51-M  
A.C. No. 42-01833-05506

v.

Delta 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 a safety regulation 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.

Citation 2083812 alleges respondent violated 30 C.F.R. 56.20-8(a) and the Secretary originally proposed a penalty of \$20.

Counsel for the Secretary advised the judge that the respondent has agreed to pay the proposed penalty.

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

Accordingly, I enter the following:

ORDER

1. The settlement agreement is APPROVED.

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2. Citation 2083812 and the penalty of \$20 are AFFIRMED.

3. Respondent is ordered to pay to the Secretary the sum of \$20 within 40 days of the date of this decision.

John J. Morris  
Administrative Law Judge