

CCASE:
SOL (MSHA) v. DENZIL PROCTOR
DDATE:
19851220
TTEXT:

~2240

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. LAKE 85-95
A.C. No. 33-02308-03620 A

v.

Raccoon No. 3 Mine

DENZIL PROCTOR,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Broderick

On December 9, 1985, Petitioner moved to withdraw its Petition for a Civil Penalty, and for dismissal of this proceeding.

Respondent is charged in this proceeding as an agent of the corporate mine operator, with knowingly authorizing, ordering, or carrying out the violation charged against the operator. The Motion states that further review of the facts developed during discovery proceedings and discussions between counsel persuaded Petitioner that there are mitigating circumstances which show that Respondent's actions were more in the nature of an error in judgment than a knowing violation of the safety standard alleged. Respondent does not oppose the motion.

Based on the representations in the motion, which I accept, the motion is GRANTED, and this proceeding is DISMISSED.

James A. Broderick
Administrative Law Judge