

CCASE:

HOBET MINING & CONSTRUCTION v. SOL (MSHA)

SOL (MSHA) v. HOBET MINING & CONSTRUCTION

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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

HOBET MINING AND CONSTRUCTION
COMPANY,

CONTESTANT

v.

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

CONTEST PROCEEDINGS

Docket No. WEVA 84-375-R
Citation No. 2146497; 8/7/84

Docket No. WEVA 84-376-R
Citation No. 2146498; 8/7/84

Docket No. WEVA 84-377-R
Citation No. 2146499; 8/7/84

Docket No. WEVA 84-378-R
Citation No. 2146500; 8/7/84

Pine Creek No. 12 Prep Plant

Docket No. WEVA 84-379-R
Citation No. 2146461; 8/1/84

Docket No. WEVA 84-380-R
Citation No. 2146462; 8/1/84

Docket No. WEVA 84-381-R
Citation No. 2146464; 8/1/84

Docket No. WEVA 84-382-R
Citation No. 2146470; 8/2/84

Docket No. WEVA 84-383-R
Citation No. 2146471; 8/2/84

Docket No. WEVA 84-384-R
Citation No. 2146472; 8/2/84

Docket No. WEVA 84-385-R
Citation No. 2146473; 8/2/84

Docket No. WEVA 84-386-R
Citation No. 2146475; 8/2/84

Docket No. WEVA 84-387-R
Citation No. 2146477; 8/2/84

Docket No. WEVA 84-388-R
Citation No. 2146480; 8/2/84

Docket No. WEVA 84-389-R
Citation No. 2146485; 8/3/84

Docket No. WEVA 84-390-R
Citation No. 2146489; 8/3/84

Docket No. WEVA 84-391-R

Citation No. 2146490; 8/3/84

Docket No. WEVA 84-392-R
Citation No. 2146495; 8/6/84

Docket No. WEVA 84-393-R
Citation No. 2434601; 8/7/84

No. 7 Surface Mine

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

CIVIL PENALTY PROCEEDINGS

Docket No. WEVA 84-410
A.C. No. 46-02249-03510

v.

Docket No. WEVA 84-411
A.C. No. 46-02249-03511

HOBET MINING AND CONSTRUCTION COMPANY,
RESPONDENT

No. 7 Surface Mine

Docket No. WEVA 85-4
A.C. No. 46-06197-03509

Docket No. WEVA 85-9
A.C. No. 46-06197-03510

Pine Creek No. 12 Prep.
Plant

Docket No. WEVA 85-10
A.C. No. 46-02249-03512

No. 7 Surface Mine

CORRECTION TO DECISION

Appearances: Sheila K. Cronan, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for the Secretary of Labor; Allen R. Prunty,
Esq., Jackson, Kelly, Holt & O'Farrell,

Charleston, West Virginia, for Hobet Mining and Construction Company.

Before: Judge Broderick

Page 9 of the Decision issued August 6, 1985 in the above proceedings is corrected to read as follows:

1. The following citations are AFFIRMED as issued:

- a) 2146461
- b) 2146471
- c) 2146489
- d) 2146499
- e) 2146464
- f) 2146470
- g) 2434601
- h) 2146497
- i) 2146500
- j) 2146472
- k) 2146480
- l) 2146495
- m) 2146462 (as modified; not S & S)

2. The following citations are VACATED:

- a) 2146490
- b) 2146477
- c) 2146498
- d) 2146473
- e) 2146475
- f) 2146485

3. Considering the criteria in section 110(i) of the Act, I conclude that the following civil penalties are appropriate for the violations found herein.

CITATION	30 CFR STANDARD	PENALTY
2146461	77.206(a)	\$100.00
2146471	77.206	100.00
2146489	77.206	100.00
2146499	77.206	100.00
2146464	77.404(a)	100.00
2146470	77.404(a)	100.00
2434601	77.404(a)	100.00
2146497	77.404(a)	100.00
2146500	77.404(a)	100.00
2146472	77.404(a)	100.00

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2146480	77.1608(c)	150.00
2146495	77.1608(b)	200.00
2146462	77.1710(i)	30.00

TOTAL \$1380.00

James A. Broderick
Administrative Law Judge