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SOL (MSHA) v. HECLA DAY MINES

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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 85-121-M  
A.C. No. 45-00365-05514

v.

Republic Unit

HELCA DAY MINES, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Lasher

The parties have reached a settlement of the violation (FOOTNOTE.1) involved in the total sum of \$225.00. MSHA's initial assessment therefor was \$300.00.

The Respondent is a medium-sized mine operator with a commendable history of prior violations insofar as safety-standard infractions are concerned. Respondent has abated the violative conditions in good faith and continues to reflect concern over this matter, according to the Secretary.

The Secretary's motion for approval also indicates that Respondent has acknowledged the problem" involved in the underlying discrimination matter; that there have been "no other incidents similar in nature"; and that the Secretary has been assured by Respondent's management of its good faith in safeguarding against future occurrences.

In the premises, it appears that the settlement serves the best interests of mine safety and the same is approved.

ORDER

Respondent, if it has not previously done so, is ordered to pay \$225.00 to the Secretary of Labor within 30 days from the date of this decision.

Michael A. Lasher, Jr.  
Administrative Law Judge

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FOOTNOTES START HERE:-

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1 This penalty proceeding arises out of the Secretary's partially successful prosecution of a discrimination matter, WEST 81-323-DM.

