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RAY MARSHALL (SOL) V. CONSOLIDATION COAL
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

RAY MARSHALL,
SECRETARY OF LABOR,
PETITIONER

v.

CONSOLIDATION COAL CO.
RESPONDENT

Civil Penalty Proceeding

Docket No. PITT 79-86-P
Assessment Control No.
36-06113-03004

Westland No. 2 Mine

DECISION

On March 9, 1979, the Mine Safety and Health Administration (MSHA), moved the Judge to approve a settlement to which the parties had agreed, and dismiss the above-captioned.

The alleged violations and proposed settlements are as follows:

Number	Date	30 CFR Standard	Assessment	Settlement
23226	7/17/78	77.1003	\$106.00	\$106.00
233770	7/24/78	75.1719-4	48.00	36.00
			Total \$154.00	\$142.00

As grounds to support the proposed reduction in the penalty for citation No. 233770 MSHA avers:

"A reduction from the original assessment is warranted because the negligence of the operator in citation No. 233770 did not merit an allocation of nine points. By reducing this amount of five points and by applying the figures supplied in the penalty conversion table, an appropriate penalty is \$36.00 rather than \$48.00."

As the above settlement is within the bounds of reason, does not shock the conscience and will effectuate the deterrent purpose of civil penalties under section 110(a), it is hereby APPROVED.

The above-captioned is DISMISSED.

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The hearing scheduled for Wednesday, March 14, 1979, in Pittsburgh, Pennsylvania, was VACATED.

Malcolm P. Littlefield
Administrative Law Judge