

CCASE:
SOL (MSHA) v. PITTSBURG & MIDWAY COAL MINING
DDATE:
19910401
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
The Federal Building
Room 280, 1244 Speer Boulevard
Denver, CO 80204

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

v.

PITTSBURG & MIDWAY COAL
MINING COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 90-116
A.C. No. 29-00096-03538

McKinley Mine

DECISION

Appearances: Mary Witherow, Esq., Margaret Terry, Esq., Office
of the Solicitor, U.S. Department of Labor, Dallas,
Texas,
for Petitioner;

Ray D. Gardner, Esq., John Paul, Esq., The Pitts-
burg & Midway Coal Mining Co., Englewood, Colorado,
for Respondent.

Before: Judge Lasher

This is one of nine dockets which were consolidated for
hearing, eight of which were either fully or partially settled
after commencement of the hearing. The settlements were approved
from the bench on the record.

This docket involves eight Citations. Petitioner agrees that
one Citation should be vacated and Respondent agrees to pay in
full Petitioner's administrative level penalty assessment for
seven of the Citations. (Footnote 1) The settlement as to these
eight Citations--involving either payment in full of the proposed
penalty or vacation of the Citation--is reflected in the Order,
infra.

ORDER

1. Citation No. 3413139 is MODIFIED to delete the "Significant and Substantial" designation thereon and is otherwise AFFIRMED.

2. Citation No. 3413083 is VACATED.

3. Respondent pursuant to the settlement agreement at hearing shall pay to the Secretary of Labor within 30 days from the issuance date of this decision the following penalties totaling \$1,895.

Citation No.	AMOUNT
3413135	\$20
3413140	371
3413085	371
3413088	371
3413094	20
3413137	371
3413139	371
TOTAL	\$1,895

Michael A. Lasher, Jr.
Administrative Law Judge

Footnote start here:-

1. As to one of these Citations, No. 3413139, the parties concur that the "Significant and Substantial" designation thereon should be abandoned and my Order subsequently herein accomplishes the vacation of this designation.