

CCASE:
SOL (MSHA) V. HALLMARK & SON COAL
DDATE:
19790305

TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

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

Civil Penalty Proceeding

Docket No. BARB 79-60-P
A/O No. 01-01721-03001

v.

Coal Branch Strip Mine

HALLMARK & SON COAL COMPANY,
RESPONDENT

DISAPPROVAL OF SETTLEMENT

ORDER TO SUBMIT ADDITIONAL INFORMATION

The Solicitor recommends settlement approval for the originally assessed amounts. However, the Solicitor gives no reasons beyond the bare statement that the proposed settlement is reasonable in light of the alleged gravity and negligence of each violation. The gravity and negligence of the violations are not explained. The parties must recognize that once a matter is before the Commission recommended settlements cannot be approved solely because the operator now agrees to pay the assessed amounts.

Accordingly, the Solicitor is ORDERED on or before March 15, 1979 to submit information sufficient to support his recommendation. Failure to do so will result in issuance of a show cause order and dismissal of the petition.

Paul Merlin
Assistant Chief Administrative Law Judge