

CCASE:
SOL (MSHA) V. MATHIES COAL
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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 Proceedings

Docket No. PITT 79-121-P
A/O No. 36-00963-03007

v.

Docket No. PITT 79-149-P
A/O No. 36-00963-03008

MATHIES COAL COMPANY,
RESPONDENT

Mathies Mine

DECISION APPROVING SETTLEMENTS

AND

ORDERING PAYMENT OF CIVIL PENALTIES

Appearances: Eddie Jenkins, Esq., Office of the Solicitor,
Department of Labor, for Petitioner;
Karl T. Skrypak, Esq., Mathies Coal Company,
Pittsburgh, Pennsylvania, for Respondent.

Before: Judge Cook

The Mine Safety and Health Administration (MSHA) filed petitions for assessment of civil penalty pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977 (Act) in the above-captioned proceedings. Answers were filed and a notice of hearing was issued. Subsequent thereto, MSHA filed motions requesting approval of settlements and to provide time for payment of penalties.

The motions provide, in part, as follows:

a. As to Docket No. PITT 79-121-P:

The alleged violations in this case and settlement are identified as follows:

Number	Date	30 CFR	Assessment	Settlement
09901010	5/11/78	70.100B	\$ 140	\$ 140
00233523	6/19/78	75.517	255	255
00233137	6/22/78	75.503	170	170
00233461	6/22/78	75.1720A	240	0

As grounds for the settlement the Secretary states.

1. The reduction of violation on 00233461 was because of the decision in North American, 3 IMBA [sic] 93 at 107. (See PITT 79-150-P)
2. There was good faith compliance.
3. The settlements other than 00232471 are for 100% of the assessed penalties.
4. The violations did not pose a significant and substantial hazard to the health and safety of the miners.(FOOTNOTE 1)

b. As to Docket No. PITT 79-149-P:

The alleged violations in this case and settlement are identified as follows:

Number	Date	30 CFR	Assessment	Settlement
00233471	7/13/78	75.1720A	\$ 140	\$ 0
00233472	7/13/78	75.1704	180	180
00233887	7/24/78	75.1707	150	150

As ground [sic] for the Settlement the Secretary states:

1. The reduction of notice 00233471 was because of the decision in North American Coal Corporation, [sic] 3 IBMA 93 at 107. (See PITT 79-150-P)
2. There was good faith compliance.
3. The settlements other than 00233471 are for 100% of assessed penalties.

