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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.

CHRISTOPHER COAL COMPANY

IBMA 77-7

Decided October 25, 1978

Appeal by Christopher Coal Company from a decision dated October 18, 1976, in Docket No. MORG 76-8-P, by Administrative Law Judge John F. Cook, assessing a civil monetary penalty of \$6,500 for a violation of 30 CFR 75.329 contained in an imminent danger order of withdrawal issued at appellant's Osage No. 3 Mine.

Affirmed.

APPEARANCES: Alan B. Mollohan, Esq., Rose, Schmidt, Dixon, Haseley, Whyte and Hardesty, Attorney for appellant, Christopher Coal Company; John H. O'Donnell, Esq., Attorney for appellant, Mine Safety and Health Administration (MSHA) formerly Mining Enforcement and Safety Administration (MESA).

DECISION

Having reviewed the record and considered the brief of the appellant and response thereto, the Commission finds that Christopher Coal Company has not demonstrated any reason why the findings of fact, conclusions of law, and decision of the Administrative Law Judge should not be affirmed. The record supports the decision and order of the Judge and the amount assessed for the violation is reasonable and in accord with the intent and purposes of the Federal Coal Mine Health and Safety Act of 1969. Furthermore, the arguments made on appeal to the Commission have been fully and fairly considered by the Judge in his decision and order.

ORDER

WHEREFORE, pursuant to the authority contained in Section 109(a)(3) of the Federal Coal Mine Health and Safety Act of 1969; Section 110(i) of the Federal Mine Safety and Health Act of 1977, and Section 301(c)(3) of the Amendments Act of 1977, IT IS ORDERED:

- 1) that the decision of the Administrative Law Judge issued October 18, 1976, assessing Christopher Coal Company a civil penalty in the amount of Six Thousand Five Hundred Dollars (\$6,500.00) IS HEREBY AFFIRMED; and

2) that Christopher Coal Company pay the civil penalty assessed on or before 10 days from the date of this decision.