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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION  
WASHINGTON, D.C.  
January 29, 1979

SECRETARY OF LABOR,  
Docket No. BARB 77-45-P

v.

PEABODY COAL COMPANY,  
DECISION

On October 11, 1978, the Commission granted a Petition for Discretionary review filed by Peabody Coal Company. Peabody asserts that Administrative Law Judge John F. Cook erroneously found Peabody to have violated 30 CFR §75.202, and that the \$8,000 penalty assessed by the Judge is too high. We hereby affirm the Judge's decision and order.

The standard requires that "overhanging or loose faces and ribs shall be taken down or supported." We are of the opinion that Judge Cook correctly concluded that Peabody violated this requirement. The term "rib" as used in the standard is broad enough to cover the factual situation presented here. Peabody's contention would limit the required support or removal to ribs consisting solely of coal. This interpretation of the standard would frustrate its purpose which is to provide safety to the miners in all active underground roadways, travelways and working places.

IT IS SO ORDERED.

Jerome R. Waldie, Chairman

Richard V. Backley, Commissioner

A. E. Lawson Commissioner

Marian Pearlman Nease, Commissioner