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SOL (MSHA) V. CONSOLIDATION 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. MORG 79-63-P
A.O. No. 46-01968-03011

v.

Docket No. MORG 79-72-P
A.O. No. 46-01968-03009

CONSOLIDATION COAL COMPANY,
RESPONDENT

Docket No. MORG 79-86-P
A.O. No. 46-01968-03017

Docket No. MORG 79-92-P
A.O. No. 46-01968-03018

Docket No. MORG 79-97-P
A.O. No. 46-01968-03004

Docket No. MORG 79-98-P
A.O. No. 46-01968-03006

Blacksville No. 2 Mine

Docket No. MORG 79-85-P
A.O. No. 46-01867-03008

Docket No. MORG 79-91-P
A.O. No. 46-01867-03009

Blacksville No. 1 Mine

DECISION AND ORDER APPROVING SETTLEMENT

The 32 violations charged in the captioned petitions carried proposed assessments totalling \$8,011.00. By letter of June 12, 1979, respondent confirmed an oral motion to settle these matters by payment of a total penalty not to exceed \$15,000.00 as individually assessed and allocated by the Presiding Judge for each violation alleged. The Secretary concurred in this proposal.

Based on my independent evaluation and de novo review of the circumstances involved as set forth in the parties prehearing submissions and statements, including the gravity and negligence indicated, as well as the other statutory criteria, I find the

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amount proposed for settlement should be assessed and allocated as set forth in Exhibit A, Schedule of Penalties. The total amount, \$9,626.00, is approximately 20% more than the amount originally assessed.

Accordingly, it is ORDERED that the motion to approve settlement be, and hereby is, GRANTED. It is further ordered that the operator pay the penalty assessed, \$9,626.00 on or before Tuesday, July 3, 1979 and that, subject to payment, the captioned petitions be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge

EXHIBIT A

SCHEDULE OF PENALTIES

DOCKET	CITATION	STANDARD	GRAVITY	NEGLIGENCE	AMOUNT
MORG 79-63	018771	75.1725	non-serious	ordinary	\$75
MORG 79-72	019886	77.208	serious	ordinary	\$140
	019889	77.1915	serious	ordinary	\$106
	019888	75.500	serious	ordinary	\$195
MORG 79-85	013713	75.1722	serious	ordinary	\$200
MORG 79-86	260101	75.1713	non-serious	ordinary	\$75
	260109	77.205	non-serious	ordinary	\$75
MORG 79-91	018706	75.200	serious	ordinary	\$350
	018662	75.200	non-serious	ordinary	\$250
MORG 79-92	019266	77.400	serious	ordinary	\$295
	019268	77.701	serious	ordinary	\$275

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MORG 79-92	019270	77.701	serious	ordinary	\$195
	019272	77.512	serious	ordinary	\$195
	019274	77.516	serious	ordinary	\$255
	259846	77.904	serious	ordinary	\$395
	259847	77.1907	extremely	gross	\$1500
	259848	77.208(d)	non-serious	ordinary	\$100
	014682	75.517	-	-	vacated
MORG 79-97	016054	75.701	serious	high degree of ordinary negligence	\$600
	016055	75.1106-3	non-serious	ordinary	\$100
	016077	75.1403	extremely serious	ordinary	\$300
	016080	75.100(b)	non-serious	ordinary	\$75
	019909	75.1722	non-serious	ordinary	\$250
MORG 79-98	016057	75.503	serious	ordinary	\$275
	016060	75.200	extremely	high degree of ordinary negligence	\$1000
	016063	75.517	serious	ordinary	\$500

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MORG 79-98	016066	75.604	serious	ordinary	\$500
	016068	75.1107-4	serious	ordinary	\$150
	016076	75.1403	serious	ordinary	\$200
	019904	75.1003	non-serious	ordinary	\$150
	019907	75.1403	extremely serious	high degree of ordinary	\$750
	019861	75.503	non-serious	negligence ordinary	\$100
				TOTAL	\$9626