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SOL (MSHA) V. KENTUCKY BLUE COAL CO.
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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 Proceeding

Docket No. BARB 79-260-P
A.C. No. 15-05345-03001

v.

Siler Tipple

KENTUCKY BLUE COAL COMPANY,
RESPONDENT

DECISION

Appearances: Darryl A. Stewart, Esq., Office of the Solicitor,
U.S. Department of Labor, for Petitioner
Tommy Ray Lanham, for Respondent

Before: Judge Lasher

This proceeding arose under section 110(a) of the Federal
Mine Safety and Health Act of 1977.

A hearing on the merits was held in Lexington, Kentucky, on
September 12, 1979. After considering evidence submitted by both
parties, and argument, I entered an oral opinion on the record at
the close of the hearing. It was found that the five violations
charged did occur. I also found that the violations were
serious, that they resulted from ordinary negligence on the part
of Respondent, that Respondent was small in size, had but one
previous violation, and had abated the violations in good faith.
It was also determined that a penalty otherwise warranted by
consideration of the other penalty assessment criteria provided
by statute would have no adverse affect on Respondent's ability
to continue in business. Consideration of these various criteria
mandated levying penalties for the five violations. Accordingly,
Respondent was assessed the following penalties:

Citation No.	Penalty
126479	\$150
126480	50
126485	25
126486	20
126487	75

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ORDER

Wherefore, it is ORDERED that Respondent pay MSHA the penalties herein assessed totaling \$320 within 30 days from the date of this decision.

Michael A. Lasher, Jr. Judge