

CCASE:
SOL (MSHA) V. CALLANAN INDUSTRIES
DDATE:
19840123
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

CALLANAN INDUSTRIES, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. YORK 79-99-M
A.C. No. 30-00013-05003

South Bethlehem Quarry
and Mill

DECISION APPROVING SETTLEMENT

Appearances: William G. Staton, Esq., Office of the Solicitor,
U.S. Department of Labor, New York, New York, for
Petitioner; Harry R. Hayes, Esq., Hayes & Lapitina,
Albany, New York, for Respondent.

Before: Judge Melick

This case is before me on remand for reconsideration of a
petition for assessment of civil penalty under Section 110(a) of
the Federal Mine Safety and Health Act of 1977 (the Act).
Petitioner has filed a motion to approve a settlement agreement
as to the one remaining citation and to dismiss the case.
Respondent has agreed to pay the proposed penalty of \$78 in full.
I have considered the representations and documentation in the
case, and I conclude that the proffered settlement is appropriate
under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is GRANTED,
and it is ORDERED that Respondent pay a penalty of \$78 within 30
days of this order.

Gary Melick
Assistant Chief Administrative Law Judge