

CCASE:  
SOL (MSHA) V. U.S.STEEL  
DDATE:  
19840504  
TTEXT:

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

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

v.

U.S. STEEL MINING CO., INC.,  
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. PENN 83-131  
A.C. No. 36-03425-03521

Maple Creek No. 2 Mine

DECISION

Appearances: Janine C. Gismondi, Esq., Office of the Solicitor,  
U.S. Department of Labor, Philadelphia, Pennsylvania,  
for Petitioner;  
Louise Q. Symons, Esq., U.S. Steel Mining Co.,  
Inc., Pittsburgh, Pennsylvania, for Respondent.

Before: Judge Koutras

Statement of the Case

This case concerns a civil penalty proposal filed by the petitioner against the respondent pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a), seeking a civil penalty assessment in the amount of \$650 for one violation of mandatory safety standard 30 CFR 75.514. The violation was cited in a section 104(d)(1) order issued on December 9, 1982.

The respondent contested the proposed assessment, and the case was docketed for hearing in Uniontown, Pennsylvania, on March 27, 1984, with five other cases involving these same parties. However, when this docket was called for trial, the parties advised me that the respondent decided to withdraw its contest and request for a hearing, and agreed to pay the full amount of the \$650 civil penalty assessment.

Discussion

In view of the foregoing, and in light of the agreement by the parties to dispose of this matter by the respondent's request to withdraw its contest and to pay the full penalty assessment, I considered the request as a motion to approve a proposed settlement pursuant to Commission Rule 29 CFR 2700.30.

~1167

After due consideration of the arguments presented by the parties on the record in support of their joint dispositive settlement of this case, and after review of all of the pleadings filed, including the conditions and practices cited by the inspector in the order which he issued, I granted the motion and concluded that the proposed settlement was in the public interest, and it was approved from the bench (Tr. 608).

Order

Respondent is ordered to pay a civil penalty in the amount of \$650 in full satisfaction of 104(d)(1) Order No. 2102664, and payment is to be made within thirty (30) days of the date of this decision and order. Upon receipt of payment by MSHA, this case is dismissed.

George A. Koutras  
Administrative Law Judge