

CCASE:
SOL (MSHA) V. MEDICINE COAL
DDATE:
19840614
TTEXT:

~1537

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

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

CIVIL PENALTY PROCEEDING

Docket No. WEST 81-163
A.C. No. 48-00900-03018

v.

Medicine Bow Mine

MEDICINE BOW COAL COMPANY,

RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: James H. Barkley, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Brent L. Motchan, Esq., Medicine Bow Coal Company,
St. Louis, Missouri,
for Respondent.

Before: Judge Carlson

The parties have submitted a motion styled "Stipulation,
Motion to Withdraw Notice of Contest, and Order Payment." The
motion would dispose of two of the five citations comprising
Docket No. WEST 81-163. It relates to citations 828415 and
828439. (The remaining citations, 828440, 828442 and 828443, are
dealt with in a full decision following hearing on the merits,
issued contemporaneously with this present settlement.)

The parties, in the present motion, ask that respondent be
granted leave to pay the full penalties originally proposed for
the two citations in question, and to withdraw its notices of
contest. Under section 110(k) of the Federal Mine Safety and
Health Act of 1977 (30 U.S.C. 801, et seq.), I construe the
pleading as one for approval of a settlement agreement.

The agreement is appropriate and is approved in its
entirety. Accordingly, citations 828415 and 828439 are affirmed.
Respondent shall, within 40 days of the date of this decision,
pay a civil penalty of \$395.00 in connection with citation 828415
and \$345.00 in connection with citation 828415 and \$345.00 in
connection with citation 828439.

SO ORDERED.

John A. Carlson
Administrative Law Judge