

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

SEP 24 1984

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Petitioner : Docket No. WEVA 84-245
v. : A.C. No. 46-05801-03524
: No. 21 Mine
W-P COAL COMPANY, :
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On September 10, 1984, the Secretary of Labor filed a motion for approval of a settlement reached by the parties in this case. The violations were originally assessed at \$8,000 and the parties propose to settle for \$7,000.

The motion states that although the violation was serious (it was allegedly the cause of an accident resulting in a fatal injury to one miner and serious injuries to four others), further investigation including pretrial discovery has persuaded the parties that the operator's negligence was not as great as originally believed. I accept the representations in the motion, and conclude that the settlement should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$7,000 within 30 days of the date of this decision.

James A. Broderick
James A. Broderick
Administrative Law Judge

Distribution:

William M. Connor, Esq., Office of the Solicitor, U.S.
Department of Labor, Room 14480 Gateway Building,
3535 Market Street, Philadelphia, PA 19104 (Certified Mail)

Harold S. Albertson, Jr., Esq., Albertson & Jones,
P.O. Box 1989, Charleston, WV 25327 (Certified Mail)

/fb