

CCASE:

SOL (MSHA) V. S.M. SONS

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TTEXT:

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

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER
v.
S.M. LORUSSO & SONS, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. YORK 84-5-M
A.C. No. 19-00076-05502

West Roxbury Crushed Stone

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

The Solicitor has filed a motion to approve settlements for the two violations involved in this matter. The originally assessed amounts totalled \$196 and the proposed settlements are for \$150.

One citation was issued for failure to guard a tail pulley. The Solicitor proposed a settlement for the original amount of \$98. I find this settlement satisfies the statutory criteria.

The second citation was issued for failure to wear protective footwear. The Solicitor has explained why the operator's negligence was less than originally thought. The original assessment was for \$98 and the proposed settlement is for \$52. I accept the Solicitor's explanation and approve the settlement, but the operator should realize it has the responsibility to implement its safety policies, including where appropriate, disciplining employees who defy them.

The operator is ordered to pay \$150 within 30 days of the date of this decision.

Paul Merlin
Chief Administrative Law Judge