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SOL (MSHA) V. ANTHONY T. HARE
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

v.

ANTHONY T. HARE,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. SE 84-55-M
A.C. No. 08-00395-05506-A

Gall Silica Mining Company,
Inc., No. 2 Mine and Plant

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On February 26, 1985, 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 \$400 and the parties propose to settle for \$300.

Respondent was charged as the agent of Gall Silica Mining Company, a corporate mine operator, with knowingly authorizing, ordering or carrying out the two violations of 30 C.F.R. 56.9-3. The violations alleged were operating two front-end loaders without brakes. The corporate operator paid penalties of \$350 and \$250 for the two violations.

The motion proposes a settlement in the case against Respondent whereby, Respondent would pay \$200 (the amount assessed) and \$100 for the violations charged. The second alleged violation occurred on level, soft ground and there was little or no foot traffic in the area. For these reasons, the penalty proposed was reduced.

I have considered the motion in the light of the criteria in section 110(i) of the Act, and conclude that the settlement should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$300 within 30 days of the date of this decision.

James A. Broderick
Administrative Law Judge