

CCASE:
SOL (MSHA) V. BARRETT FUEL
DDATE:
19850308
TTEXT:

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

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER
v.
BARRETT FUEL CORPORATION,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. WEVA 84-124
A.C. No. 46-06473-03523

Docket No. WEVA 84-222
A.C. No. 46-06473-03528

Docket No. WEVA 84-333
A.C. No. 46-06473-03530

Docket No. WEVA 84-370
A.C. No. 46-06473-03531

Clinton No. 3A Mine

Docket No. WEVA 84-309
A.C. No. 46-06450-03523

Docket No. WEVA 84-310
A.C. No. 46-06450-03522

Docket No. WEVA 84-332
A.C. No. 46-06450-03524

Docket No. WEVA 84-365
A.C. No. 46-06450-03525

Docket No. WEVA 84-369
A.C. No. 46-06450-03526

Docket No. WEVA 84-398
A.C. No. 46-06450-03527

Docket No. WEVA 84-399
A.C. No. 46-06450-03528

Docket No. WEVA 85-16
A.C. No. 46-06450-03529

Docket No. WEVA 85-79
A.C. No. 46-06450-03532

Clinton No. 3 Mine

DECISION APPROVING SETTLEMENT

Before: Judge Kennedy

This matter is before me on the parties' motion to approve settlement of the captioned matters at 50% of the amount initially assessed, \$28,783 for the 80 violations charged.

Based on an independent evaluation and de novo review of the circumstances, including the operator's impaired financial condition I find the settlement proposed is in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion be, and hereby is, GRANTED. It is further ordered that the operator and/or its corporate principals pay the amount of the settlement agreed upon, \$14,391.50, in monthly installments of \$1,000 commencing April 1, 1985 until the full amount of the penalties assessed are paid. It is FURTHER ORDERED that approval of this settlement is without prejudice to the Secretary's right to proceed against corporate principals, production operators or others in the event of a default in payment by Barrett Fuel Corporation.

Joseph B. Kennedy
Administrative Law Judge