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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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 84-326
A.C. No. 46-01968-03584

v.

Blacksville No. 2 Mine

CONSOLIDATION COAL COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

On January 18, 1985, the Solicitor filed a Motion for Decision and Order Approving Settlement in the above-captioned case. At issue is one violation originally assessed at \$192. Settlement is proposed for \$175.

Citation No. 2261814 was issued for violation of 30 C.F.R. 75.1106-5(a) when it was found that two grease guns were stored in a tool box with hoses, gauges and a torch for the acetylene tanks in the 10-G section of the mine. The Solicitor represents that negligence was less than originally thought since the tool box is usually locked to prevent the storage of grease guns with the hoses and torch. He further represents that the operator trains the mechanics who use the said equipment to clean the grease guns and to keep them in separate locations. The Solicitor further asserts that gravity is reduced because further investigation of the parties revealed that no grease was found near the torch and it is the standard practice of the mechanics pursuant to the operator's policy to always clean the hoses prior to use.

In light of the foregoing factors, which the Solicitor asserts mitigate both negligence and gravity, I hereby Approve the settlement of \$175.

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ORDER

The operator is ORDERED to pay \$175 within 30 days from the date of this decision.

Paul Merlin
Chief Administrative Law Judge