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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 84-250  
A.C. No. 46-01454-03571

v.

Pursglove No. 15

CONSOLIDATION COAL COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

The Solicitor has filed a Motion for Decision and Order Approving Settlement in the above-captioned matter. At issue is one violation, originally assessed at \$1500. Settlement is proposed for \$1,250.

Order No. 2115013 was issued for violation of 30 C.F.R. 75.400, when the inspector observed a dense accumulation of black float coal dust and loose coal along the belt conveyor (the 48 Mather conveyor) extending for approximately 2,200 feet.

The Solicitor asserts in justification of the proposed reduction that gravity was somewhat less than originally assessed. He represents that the mine is a wet mine and that although the belt entry was generally dry, the coal packed around the rollers was damp and the area around the rollers was wet. The Solicitor asserts operator was highly negligent.

In light of the foregoing, I accept the Solicitor's representations and hereby APPROVE the proposed settlement which is a substantial amount.

ORDER

The operator is hereby ORDERED to pay \$1,250 within 30 days of the date of this decision.

Paul Merlin  
Chief Administrative Law Judge