

CCASE:

SOL (MSHA) v. BCNR MINING

BCNR MINING v. SOL (MSHA)

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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.

BCNR MINING CORPORATION,  
RESPONDENT

BCNR MINING CORPORATION,  
CONTESTANT

v.

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

CIVIL PENALTY PROCEEDING

Docket No. PENN 85-43  
A.C. No. 36-00809-03536

Newfield Mine

CONTEST PROCEEDING

Docket No. PENN 84-173-R  
Order No. 2252336; 5/25/84

Newfield Mine

DECISION

Appearances: James E. Culp, Esq., Office of the Solicitor,  
U.S. Department of Labor, Philadelphia,  
Pennsylvania,  
for Petitioner/Respondent;  
B.K. Taoras, Esq., Meadow Lands, Pennsylvania,  
for Respondent/Contestant.

Before: Judge Kennedy

This matter came on for an evidentiary hearing in Pittsburgh, Pennsylvania on Thursday, June 6, 1985. After presentation of MSHA's case-in-chief the operator commenced its defense. During a recess taken during the defense-in-chief, the parties, after a discussion with the trial judge, moved for approval of a settlement of the penalty case and withdrawal of the review case. Based on an independent evaluation and res nova review of the circumstances the trial judge granted the motion, and directed the parties file a confirming written motion.

That motion having been received, it is ORDERED that the approval given from the bench on June 6, 1985, be, and

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hereby is, CONFIRMED. It is further ORDERED that the operator pay the amount of the penalty agreed upon, \$160, on or before Friday, July 19, 1985, and that subject to payment the captioned matters be DISMISSED.

Joseph B. Kennedy  
Administrative Law Judge