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SOL (MSHA) v. CONSOLIDATION COAL
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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.

CONSOLIDATION COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. PENN 85-185
A.C. No. 36-03298-03507

Laurel Mine

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This is a civil penalty proceeding filed by the petitioner against the respondent pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a), seeking a civil penalty assessment in the amount of \$500 for a violation of section 105(c) of the Act. The citation in question was issued as a result of the Commission's June 15, 1984, affirmation of my previous decision of November 23, 1982, finding a violation of section 105(c) in the matter of Richard E. Bjes v. Consolidation Coal Company, PENN 82-26-D, 4 FMSHRC 2043.

By motion filed with me on July 11, 1985, pursuant to 29 C.F.R. 2700.30, the parties seek approval of a proposed settlement disposition of the case, the terms of which require the respondent to pay a civil penalty assessment in the amount of \$400 for the violation in question.

Discussion

In support of the proposed settlement disposition of this matter, the parties state that they have discussed the alleged violation and the six statutory criteria stated in section 110(i) of the Act. Further, they have submitted a complete discussion and full disclosure as to the facts and circumstances surrounding the issuance of the violation, and they have filed full information concerning the criteria found in section 110(i).

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of this case, I conclude and find that the proposed settlement disposition is reasonable and in the public interest. Accordingly, pursuant to 29 C.F.R. 2700.30, the motion IS GRANTED and the settlement IS APPROVED.

ORDER

Respondent IS ORDERED to pay a civil penalty in the amount of \$400 in satisfaction of the violation in question, and payment is to be made to MSHA within thirty (30) days of the date of this decision and order. Upon receipt of payment, this proceeding is dismissed.

George A. Koutras
Administrative Law Judge