

CCASE:  
SOL (MSHA) V. STONEY FORK COAL  
DDATE:  
19860530  
TTEXT:

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

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

CIVIL PENTALTY PROCEEDINGS

Docket No. KENT 85-214  
A.C. No. 15-09655-03516

v.

Docket No. KENT 85-217  
A.C. No. 15-09655-03517

STONEY FORK COAL COMPANY  
RESPONDENT

Stoney No. 1 Mine

DECISION

Appearances: Carole M. Fernandez, Esq., Office of the  
Solicitor, U.S. Department of Labor, Nashville,  
Tennessee, for Petitioner;  
Mr. Rodney L. Partin, Operator, Cumberland,  
Kentucky, for Respondent

Before: Judge Kennedy

These matters came on for a decision after hearing in  
Hazard, Kentucky, on May 20, 1986. At that time, the parties  
proposed settlement of the eight violations charged by payment of  
the following penalties:

CITATION	AMOUNT
2196110	\$ 90.00
2196112	35.00
2196114	75.00
2196143	20.00
2196144	20.00
2196122	50.00
2196141	20.00
2195771	20.00
	\$330.00

Based on an independent evaluation and de novo review of the  
circumstances, as proffered in the parties' prehearing  
submissions and in the evidence adduced at the hearing, the trial  
judge found the settlement proposed was in accord with the  
purposes and policy of the Act.

~854

Accordingly, it is ORDERED that the settlement be, and hereby is, APPROVED. It is FURTHER ORDERED that the operator pay the amount of the settlement agreed upon, \$330, on or before Tuesday, June 10, 1986, and that subject to payment the captioned matters be DISMISSED.

Joseph B. Kennedy  
Administrative Law Judge