

CCASE:
SOL (MSHA) V. COBBLESTONE
DDATE:
19860620
TTEXT:

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. WEST 86-52-M
A.C. No. 05-03950-05501

v.

Cobblestone Pit Mine

COBBLESTONE, LTD.,
RESPONDENT

DECISION

Appearances: James H. Barkley, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Respondent was absent.

Before: Judge Carlson

This civil penalty proceeding came regularly on for hearing at Grand Junction, Colorado on May 2, 1986. At the outset of the hearing, counsel for the Secretary of Labor announced that he had reached a settlement with the respondent on the previous evening which, if approved, would resolve all matters in dispute. He also announced that respondent's representative had elected not to attend the hearing in view of the settlement, but had authorized him to recite the substance of the agreement for the record. Mr. Lloyd, respondent's representative, has since confirmed the particulars of the agreement by letter.

The terms of the settlement are as follows:

The Secretary moves to withdraw citations 2376695 and 2376699 for lack of sufficient evidence.

Of the remaining 18 citations, the penalties for all are to be \$20.00 and those which were originally classified as "significant and substantial" are to be classified as "non-significant and substantial."

Based upon the representations of the Secretary at the hearing and the contents of the file, I conclude that the settlement agreement should be approved in all respects.

~985

Accordingly, the settlement provisions set forth above are ORDERED approved. Citations 2376695 and 2376699 are vacated. A total civil penalty of \$360.00 is assessed for the remaining 18 citations, which sum shall be paid within 50 days of the date of this decision.

John A. Carlson

Administrative Law Judge