

CCASE:
SOL (MSHA) V. COBBLESTONE LTD.
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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. WEST 86-55-M
A.C. No. 05-03950-05502

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 proposed settlement are as follows:

The penalty for citation 2376711 is reduced from \$79.00 to \$29.00.

The penalty for combined citation/order 2376712 and 2376742 is reduced from \$225.00 to \$125.00.

Conditioned upon these reductions, respondent agrees to withdraw its notices of contest.

Based upon the representations of the Secretary made upon the record and the contents of the file, I conclude that the settlement agreement is appropriate and should be approved.

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Accordingly, the settlement agreement is ORDERED approved in all respects. A total civil penalty of \$154.00 is assessed, to be paid to the Secretary of Labor within 50 days of the date of this decision.

John A. Carlson
Administrative Law Judge