

CCASE:  
EMERY MINING V. SOL (MSHA)  
DDATE:  
19860909  
TTEXT:

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

EMERY MINING CORPORATION,  
CONTESTANT

v.

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

CONTEST PROCEEDINGS

Docket No. WEST 83-6-R  
Citation 9946565; 9/13/82

Docket No. WEST 83-7-R  
Citation 9946569; 9/17/82

Docket No. WEST 83-8-R  
Citation 9946571; 9/21/82

Deer Creek Mine

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

v.

EMERY MINING CORPORATION,  
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. WEST 83-33  
A.C. No. 42-00080-03510

Docket No. WEST 83-36  
A.C. No. 42-00080-03511

Docket No. WEST 83-51  
A.C. No. 42-00080-03515

Wilberg Mine

Docket No. WEST 83-34  
A.C. No. 42-00121-03509

Docket No. WEST 83-42  
A.C. No. 42-00121-03507

Docket No. WEST 83-57  
A.C. No. 42-00121-03519

Deer Creek Mine

DECISION APPROVING SETTLEMENT

Before: Judge Carlson

These consolidated cases have been on stay pending the issuance of a Commission decision bearing upon a principal issue in the cases. The Commission has now issued that decision, and the parties have submitted a joint motion to approve a settlement which will dispose of all matters.

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Specifically, Emery Mining Corporation agrees to pay the entire civil penalty proposed by the Secretary in each of the penalty cases.

Further, conditioned upon the Commission's approval of that part of the settlement relating to the penalty cases, Emery also moves to withdraw its notices of contest in the three contest cases shown in the caption.

Based upon the representations of the parties and the contents of the files, I conclude that the settlement is appropriate and should be approved in all respects.

Accordingly the settlement agreement (including the withdrawals) is approved in all respects and the attendant motions are granted. Respondent shall therefore pay a total civil penalty of \$2,070.00 within 40 days of the date of this decision approving settlement. These proceedings are dismissed.

John A. Carlson  
Administrative Law Judge