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SOL (MSHA) V. SANDERS
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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 86-86-M
A.C. No. 42-01927-05502 15J

v.

Gilbert Mine #1

SANDERS CONSTRUCTION, INC.,
RESPONDENT

DECISION

Appearances: Margaret Miller, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner.

Before: Judge Morris

This is a civil penalty proceeding initiated by petitioner against respondent in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalties sought here are for the violation of mandatory standards promulgated pursuant to the Act.

After notice to the parties, a hearing on the merits commenced in Las Vegas, Nevada on August 26, 1986. At the hearing counsel for the petitioner advised the judge that the parties had reached an amicable settlement.

The citations, the standards alleged violated, the original assessments and the proposed dispositions are as follows:

Citation No.	Standard C.F.R. Title 30	Original Assessment	Disposition
2361156	56.6047	\$500	\$500
2361157	56.6047	500	500
2361159	56.6090	500	500
2361171	56.6047	500	500
2361175	56.18020	500	Vacate

I have considered the proposed settlement and I find it is reasonable and in the public interest.

Accordingly, I enter the following:

ORDER

1. The settlement is approved.

2. The following citations and proposed penalties are affirmed:

Citation No.	Penalty
2361156	\$500
2361157	500
2361159	500
2361171	500

3. Citation 2361175 and all penalties therefor are vacated.

4. Respondent is ordered to pay the sum of \$2,000 within 40 days of the date of this decision.

John J. Morris
Administrative Law Judge