

CCASE:
SOL (MSHA) V. B D & J COAL
DDATE:
19861106
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. VA 86-42
A.C. No. 44-06211-03508

v.

No. 1 Mine

B D & J COAL COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On November 4, 1986, the Secretary filed a Response to my order of October 20, 1986, denying a motion to approve a settlement agreement in this case. With the response, the Secretary renewed its motion to approve settlement. The five violations involved here were originally assessed at \$1955. The parties propose to settle for \$1755.

With respect to three of the violations, the settlement amount is the amount originally assessed. Each of the other two was originally assessed at \$800, and the parties propose to settle for \$700 each. The Secretary's response states that after the citations were issued, Respondent's president visited the MSHA Subdistrict Office and discussed the roof control and pillar recovery methods at the subject mine. The section foreman responsible for the section where the violations occurred and two roof bolters were terminated for failure to properly install roof bolts in the section. MSHA's Subdistrict Office has stated that better supervision and the hiring of more competent personnel should result in greater compliance with safety regulations at the mine.

I have considered the motion in the light of the criteria in section 110(i) of the Act, and conclude that it should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$1755 within 30 days of the date of this order.

James A. Broderick
Administrative Law Judge