

CCASE:  
SOL (MSHA) V. HOMESTAKE MINING  
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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 PROCEEDINGS

Docket No. CENT 85-61-M  
A.C. No. 39-00055-05540

v.

Docket No. CENT 85-103-M  
A.C. No. 39-00055-05548

HOMESTAKE MINING COMPANY,  
RESPONDENT

Docket No. CENT 85-110-M  
A.C. No. 39-00055-05549

Homestake Mine

DECISION APPROVING SETTLEMENT

Before: Judge Lasher

Upon Petitioner's motion for approval of a proposed settlement and the same appearing proper, the settlement is approved.

The terms of the settlement are as follows:

A. Docket No. CENT 85-61-M

Citation No.	Assessment	Settlement
2097485	\$3,000	\$3,000

B. Docket No. CENT 85-103-M  
2097236 \$4,000

\$2,000

C. Docket No. CENT 85-110-M  
2097499 \$1,000

Vacated  
(Unsupportable)

The reduction of the penalty for Citation No. 2097236 in CENT 85-103-M appears justified, even though the violation resulted in a fatality. The parties agree that the degree of Respondent's negligence was "low" rather than "moderate" and that the miner's death resulted from his unanticipated performance of a chore normally accomplished on another shift and that he did such in a way contrary to company policy. Accordingly, this compromise is approved.

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Respondent, if it has not previously done so, is ordered to pay to the Secretary of Labor within 30 days from the date hereof the sum of \$5,000.00.

Michael A. Lasher, Jr.  
Administrative Law Judge