

CCASE:  
SOL (MSHA) V. DRILLING & BLASTING  
DDATE:  
19861126  
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. SE 86-84-M  
A.C. No. 09-00024-05501-C5A

v.

Georgia Marble

DRILLING AND BLASTING  
SYSTEMS, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On November 20, 1986, the Secretary of Labor filed a motion for approval of a settlement reached by the parties in this case. The violations were originally assessed at \$147 and the parties propose to settle for \$85.

The motion states that Respondent is a small independent contractor and has no history of prior violations. The motion states that the gravity and negligence were over evaluated. The alleged violation, which resulted in the death of the son of the President of Respondent, occurred on mine property but 4000 feet from the quarry site, and there is some question of jurisdiction. I accept the allegations in the motion. 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 \$85 within 30 days of the date of this order, if it has not already done so.

The hearing scheduled for December 7, 1986 in Atlanta, Georgia is CANCELLED.

James A. Broderick  
Administrative Law Judge