

CCASE:
SOL (MSHA) V. SAHARA COAL
DDATE:
19861224
TTEXT:

~1988

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. LAKE 86-123
A.C. No. 11-00784-03592

v.

Mine No. 21

SAHARA COAL COMPANY, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On December 18, 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 \$1600 and the parties propose to settle for \$1005.

Three citations are included in this docket. The first two charge Respondent with failing to immediately report an explosion and a roof fall which disrupted ventilation. The third charges a failure to conduct an adequate preshift examination. With respect to the nonreporting violations, the motion states that Respondent's negligence was low: it was clear that a roof fall occurred, but not that an explosion occurred. It was only after a two month investigation that MSHA determined that it was an explosion. The roof fall was immediately reported and although the ventilation disruption was not reported, the MSHA inspector came to the mine and could observe that the ventilation was disrupted. The motion proposes to reduce the penalties from \$200 and \$400 to \$105 and \$300 respectively. With respect to the preshift examination, the motion states that an adequate preshift examination was performed, but that the methane or carbon monoxide must have built up after the examination. The negligence is therefore rated low, and the motion proposes to reduce the penalty from \$1000 to \$600.

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.

~1989

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$1005 within 30 days of the date of this order.

James A. Broderick
Administrative Law Judge