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SOL (MSHA) V. JIM RESOURCES
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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
v.

CIVIL PENALTY PROCEEDING

Docket No. SE 87-41
A.C. No. 01-01247-03741

No. 4 Mine

JIM WALTER RESOURCES, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT
ORDER TO PAY

Before: Judge Merlin

The parties have submitted a joint motion to approve settlements of the three violations involved in this case. The total amount of the originally assessed penalties was \$815 and the total of the proposed settlements is \$723.

The motion discusses the violations in light of the six statutory criteria set forth in section 110(i) of the Federal Mine Safety and Health Act of 1977. The operator has agreed to pay the original assessment of \$294 for Citation No. 2811209 and \$329 for Citation No. 2811213.

The parties propose that the originally assessed amount of \$192 for Citation No. 2810537 be reduced to \$100, because negligence is less than was originally assessed. This citation cites a violation of 30 C.F.R. 75.1714-2(a) because a ram car operator was observed inside the mine without a self rescuer device on his person or within twenty-five feet of his person. The parties represent that a reduction from the original assessment is warranted because once this condition was discovered, the employee was issued a written reprimand by the operator pursuant to the progressive disciplinary program employed at the mine. I accept these representations and approved recommended settlements.

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In light of the foregoing, the settlement motion is Approved and the operator is ORDERED TO PAY \$723 within 30 days of the date of this decision.

Paul Merlin
Chief Administrative Law Judge