

CCASE:  
SOL (MSHA) V. CONSOLIDATION COAL  
DDATE:  
19870520  
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. WEVA 87-90  
A.C. No. 46-01453-03745

v.

Humphrey No. 7 Mine

CONSOLIDATION COAL COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

ORDER TO PAY

Before: Judge Merlin

This case is a petition for the assessment of civil penalties filed by the Secretary against Consolidation Coal Company. Involved are five violations of 30 C.F.R. 50.20(a) for failure to report occupational injuries as required by the regulations. Each violation was originally assessed at \$150 and the proposed settlements are for \$500 apiece.

I have previously set forth my views regarding Part 50. Consolidation Coal Company, ~~MSHA~~ FMSHRC ~~MSHA~~ (April 9, 1987).

In the subject action the settlement motion recites in pertinent part:

The Secretary submits that Consol is a large operator. The Secretary further submits that each of the violations involved an appreciable degree of negligence and seriousness. The files include information related to the fact that the violations were abated after issuance in good faith and that payment of the agreed-to penalties will not adversely affect Consol's ability to remain in business. Consol has an average history of prior violations for a mine operator of its size.

I accept the foregoing representations and further note that so many violations of the same type demonstrate a disturbing pattern. The increases in the original assessments are warranted and appropriate.

~956

In light of these circumstances, the settlements are Approved and the operator is ORDERED TO PAY \$2,500 within 30 days from the date of this order.

Paul Merlin  
Chief Administrative Law Judge