

CCASE:
SOL (MSHA) V. MID RESOURCES
DDATE:
19870602
TTEXT:

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In Citation 2831741, counsel for the petitioner moved that the penalty be reduced from the \$6,000 originally proposed to \$1,000. Respondent, in turn, moved to withdraw its notice of contest.

Petitioner's motion was based on the fact that in preparing the case for hearing it was determined that the negligence in this case was not as high as originally assessed.

In Citation 2831742, counsel for the petitioner moved to vacate the citation. Respondent had no objection.

The motion to vacate Citation 2831742 was based on the fact that further study of the evidence revealed that a "hazardous condition" within the meaning of safety standard 30 C.F.R. 17.1700 did not exist.

Conclusion

After careful review and consideration of the pleadings, arguments, and the information placed upon the record at the hearing, I am satisfied that the proposed settlement disposition is reasonable, appropriate and in the public interest.

Accordingly, the motions made at trial are granted.

ORDER

1. Citation No. 2831741 is affirmed and respondent is ORDERED to pay a civil penalty of \$1,000 within 30 days from the date of this decision.

2. Good cause having been shown, Citation No. 2831742 and its related proposed penalty are vacated.

August F. Cetti
Administrative Law Judge