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SOL (MSHA) V. VINNELL MINING
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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

CIVIL PENALTY PROCEEDING

Docket No. WEST 86-260-M
A.C. No. 04-03008-05511

v.

Oro Grande Mine

VINNELL MINING AND MINERALS
CORPORATION,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Cetti

Statement of the Case

This is a civil penalty proceeding filed by the petitioner against the respondent pursuant to Section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a), seeking civil penalty assessments in the amount of \$241 for four alleged violations of certain mandatory safety standards found in Title 30, Code of Federal Regulations.

The parties have submitted a motion pursuant to Commission Rule 30, 29 C.F.R. 2700.30, seeking approval of a settlement of the case. The citations, initial assessments, and the proposed settlement amounts are as follows:

CFR Title 30				
Citation No.	Date	Section	Assessment	Settlement
2364566	12/11/84	56.5001A/5	\$ 20.00	\$ 20.00
2364567	12/11/84	56.5001A/5	105.00	105.00
2671590	7/2/86	56.14001	58.00	30.00
2671591	7/2/86	56.11001	58.00	20.00
Totals			\$241.00	\$175.00

Discussion

In support of the proposed settlement disposition of this case, the petitioner has submitted information pertaining to the six statutory civil penalty criteria found in Section 110(i) of the Act. In addition, the petitioner has submitted a discussion and disclosure as to the facts and circumstances surrounding the issuance of the citations in question, and a reasonable justification for the reduction of two of the original proposed civil penalty assessments.

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of this case, I conclude and find that the proposed settlement disposition is reasonable, appropriate, and in the public interest. Accordingly, pursuant to 29 C.F.R. 2700.30, the motion is GRANTED, and the settlement IS APPROVED.

ORDER

Respondent IS ORDERED to pay civil penalties in the settlement amounts shown above totaling \$175.00 in satisfaction of the citations in question within thirty (30) days of the date of this decision and order, and upon receipt of payment by the petitioner, this proceeding is dismissed.

August F. Cetti
Administrative Law Judge