

CCASE:
SOL (MSHA) V. MID RESOURCES
DDATE:
19870608
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Counsel for the petitioner moved to amend the citation from a significant and substantial violation to a non-significant and substantial violation and to reduce the proposed civil penalty from \$200 to \$20. Respondent, in turn, moved to withdraw its notice of contest.

The motions were based on the fact that further study and investigation established that the miner in question had received annual refresher training but the MSHA form sent in by the operator was not properly filled out as to the type of training he received or possibly that he received "underground" training rather than the "surface" training he should have received. The miner had at one time been given complete underground coal training and had received annual retraining as appropriate in January each year. His entire employment with respondent had been on the "Rock Tunnel Project" and in the Coal Basin Preparation Plant.

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

Citation No. 2831755 is amended to allege a non-significant and substantial violation of safety regulation 30 C.F.R. 48.28(a) and, as amended the Citation is affirmed and respondent is ORDERED to pay a civil penalty of \$20 within 30 days from the date of this decision.

August F. Cetti
Administrative Law Judge