

CCASE:
SOL (MSHA) V. DOVER ELEVATOR
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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. WEVA 86-391
A.C. No. 46-06448-03501 GF7

v.

Rock Lick Preparation Plant

DOVER ELEVATOR COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This proceeding concerns a civil penalty proposal 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 a civil penalty assessment of \$58 for an alleged violation of mandatory safety standard 30 C.F.R. 77.400(a), as stated in a section 104(a) Citation No. 2584200, issued to the respondent on April 21, 1986. Petitioner has filed a motion pursuant to Commission Rule 30, 29 C.F.R. 2700.30, seeking approval of a proposed settlement of the case. The respondent has agreed to pay the full amount of the proposed civil penalty assessment.

Discussion

The proposed settlement is for 100 percent of the initial proposed civil penalty assessment for the violation in question. 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 full discussion and disclosure as to the facts and circumstances surrounding the issuance of the violation in question.

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 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 a civil penalty in the amount of \$58 in satisfaction of the violation 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.

George A. Koutras
Administrative Law Judge