

CCASE:
SOL (MSHA) V. DOUG CONNELLY SAND & GRAVEL
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. WEST 86-196-M
A.C. No. 45-03014-05502

v.

Connelly Pit

DOUG CONNELLY SAND & GRAVEL
COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Morris

This is a civil penalty proceeding initiated by the petitioner against respondent in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalties sought here are for the violation of mandatory standards promulgated pursuant to the Act.

Prior to a hearing the parties filed a motion seeking approval of a proposed settlement.

The citations, the standards allegedly violated, the original assessments and the proposed dispositions are as follows:

Citation No.	Standard CFR Title 30	Assessment	Disposition
2668245	56.20003	\$ 294	\$ 206
2668246	50.30	20	20
2668247	56.16005	227	159
2668248	56.14001	294	206
2668249	56.14006	294	206
2668250	56.14006	294	206
2668251	56.14006	294	206
2668252	56.4200	168	118
2668253	56.12032	294	206
TOTAL DUE			\$1,533

The parties further agree that respondent shall pay the total amount due within six months in six equal monthly installments. The first payment shall be on January 10, 1988. The last payment shall be made on June 10, 1988.

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In support of their motion to approve the settlement the parties have submitted information relating to the statutory criteria required to assess civil penalties as contained in 30 U.S.C. 820(i).

I have reviewed the proposed settlement and I find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement agreement is approved.
2. The citations and proposed penalties, as amended, and as set forth above are affirmed.
3. Respondent is ordered to pay the sum of \$1,533 to the Secretary in six equal monthly installments beginning January 10, 1988.

John J. Morris
Administrative Law Judge