

CCASE:
SOL (MSHA) V. CEN-TEX READY MIX CONCRETE
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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

v.

CENATEX READY MIX CONCRETE
COMPANY, INCORPORATED,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 88-19-M
A.C. No. 41-03055-05506

Docket No. CENT 88-41-M
A.C. No. 41-03055-05507

Lampasas Quarry

DECISION APPROVING SETTLEMENT

Appearances: Mary E. Witherow, Esq., U.S. Department of Labor, Office
of the Solicitor, Dallas, Texas for Petitioner;
John D. Austin, Esq., Arter & Haden, Washington, D.C. for
Respondent.

Before: Judge Melick

These cases are before me upon petitions for assessment of
civil penalty under Section 105(d) of the Federal Mine Safety and
Health Act of 1977 (the Act). Petitioner has filed an original
and an amended motion to approve a settlement agreement proposing
a reduction in penalty from \$10,957 to \$6,957. I have considered
the representations and documentation submitted in these cases,
and while I do not accept Respondent's claim that an independent
contractor was responsible for several of the violations,
nevertheless conclude that the proffered settlement is
appropriate under the criteria set forth in Section 110(i) of the
Act.

WHEREFORE, the motion for approval of settlement is GRANTED,
and it is ORDERED that Respondent pay penalties of \$6,957 within
30 days of this order.

Gary Melick
Administrative Law Judge
(703) 756-6261