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SOL (MSHA) V. FAITH COAL CO.  
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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.

FAITH COAL COMPANY,  
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. SE 88-50  
A.C. No. 40-02701-03526

Goforth Mine

DECISION

Appearances: Mary Sue Ray, Esq., Office of the Solicitor, U.S.  
Department of Labor, Nashville, Tennessee, for the  
Petitioner;  
Philip A. Condra, Esq., Dunlap, Tennessee, for the  
Respondent.

Before: Judge Maurer

This case is before me upon a petition for assessment of  
civil penalty under Section 105(d) of the Federal Mine Safety and  
Health Act of 1977, 30 U.S.C. 801, et al., (the Act).

Pursuant to notice, a hearing on the merits was held in  
Chattanooga, Tennessee, on October 14, 1988. At the conclusion of  
the hearing, the parties proposed a settlement of the case. Based  
on the testimony adduced in the record, the petitioner proposed  
reducing the charged negligence factor concerning Citation No.  
2808790 from "high" to "moderate" and reducing the proposed  
penalty for both violations at bar from \$179 to \$156. I have  
considered the representations and documentation submitted in  
this case as well as the record of trial and I 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,  
Citation Nos. 2808790 and 2808791 are affirmed, and it is ORDERED  
that respondent pay a penalty of \$156 within 30 days of this  
order.

Roy J. Maurer  
Administrative Law Judge