

CCASE:
SOL (MSHA) V. OLD BEN COAL
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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. LAKE 88-105
A.C. No. 11-02392-03757

v.

Mine No. 25

OLD BEN COAL COMPANY,
RESPONDENT

OLD BEN COAL COMPANY,
RESPONDENT

CONTEST PROCEEDINGS

Docket No. LAKE 88-81-R
Order No. 3031512; 3/4/88

v.

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

Docket No. LAKE 88-82-R
Citation No. 3031513, 3/4/88

Mine No. 25
Mine ID 11-02392

DECISION

Appearances: Miguel J. Carmona, Esq., Office of the Solicitor,
U.S. Department of Labor, for the Secretary of
Labor;
Bronius K. Taoras, Esq., for Old Ben Coal Company.

Before: Judge Fauver

The Secretary of Labor seeks a civil penalty for an alleged violation of a safety standard, under 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The operator seeks to vacate the underlying citation and withdrawal order.

The cases were consolidated and called for hearing on February 14, 1989, at St. Louis, Missouri. After the government's mine inspector testified and documentary evidence was received, a discussion off the record led to a motion by the parties to approve a disposition of the cases 1) permitting the government to vacate the citation and withdrawal order and 2) dismissing all the cases.

This Decision confirms my bench decision granting the parties' motion, for the reasons stated on the record.

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ORDER

WHEREFORE IT IS ORDERED that the Secretary of Labor may vacate the citation and withdrawal order and based upon such actions, the above three cases are DISMISSED.

William Fauver
Administrative Law Judge