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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. KENT 88-136
A.C. No. 15-11155-03532

v.

Amber No. 7 Mine

AMBER COAL COMPANY, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This proceeding concerns a civil penalty assessment 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 in the amount of \$8,500 for an alleged violation of mandatory safety standard 30 C.F.R. 75.200, as noted in a section 104(a) Citation No. 2780320, issued on November 12, 1987. The respondent filed an answer and notice of contest, and a hearing was scheduled in Pikeville, Kentucky, on June 1, 1989. However, the parties have now filed a joint 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 a civil penalty assessment in the amount of \$6,000, for the violation in question.

Discussion

In support of the proposed settlement disposition of this case, the parties have submitted information pertaining to the six statutory civil penalty criteria found in section 110(i) of the Act. They have also submitted a full discussion and disclosure as to the facts and circumstances surrounding the issuance of the citation in question, and a reasonable justification for the reduction of the original proposed civil penalty assessment.

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

The respondent IS ORDERED to pay a civil penalty assessment in the amount of \$6,000, 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