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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.

GREEN RIVER COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 88-174
A. C. No. 15-13469-03670

Docket No. KENT 88-183
A. C. No. 15-13469-03671

Docket No. KENT 89-3
A. C. No. 15-13469-03683

Docket No. KENT 89-11
A. C. No. 15-13469-03684

Mine No. 9

DECISION

Appearances: Joseph B. Lockett, Esq., Office of the Solicitor,
Department of Labor, for the Secretary of Labor;
B. R. Paxton, Esq., Paxton and Kosch, P.S.C.
for Green River Coal Company.

Before: Judge Fauver

These consolidated proceedings were brought by the Secretary
of Labor for civil penalties under the Federal Mine Safety and
Health Act of 1977, 30 U.S.C. 801 et seq.

At the beginning of the hearing the parties moved for
approval of a settlement that would have included reduction of
the proposed penalties from \$7,100 to \$5,400 and changing two
104(d)(1) orders to 104(a) citations.

The settlement was approved in part and denied in part.
Testimony of the federal mine inspector and documentary evidence
from the government were then received concerning the two
104(d)(1) orders. Further discussions on and off the record led
to an amendment to the settlement motion to propose settlement at
the original assessments for the two 104(d)(1) orders without
changing the orders and total payment of \$6,800. The amended
motion was approved in a bench decision. This Decision confirms
the bench decision.

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ORDER

WHEREFORE IT IS ORDERED that:

1. The citations and orders involved in these proceedings are AFFIRMED.

2. Respondent shall pay the approved civil penalties of \$6,800 within 30 days of this Decision.

William Fauver
Administrative Law Judge