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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 PROCEEDINGS

Docket No. CENT 89-54-M  
A.C. No. 16-00970-05610-A

v.

Docket No. CENT 89-60-M  
A.C. No. 16-00970-05613-A

CARL A. JOHNSON,  
EMPLOYED BY MORTON SALT DIVISION/  
MORTON THIOKOL INC.,  
RESPONDENT

Morton Salt Weeks Island Mine

DECISIONS APPROVING SETTLEMENTS

Before: Judge Koutras

Statement of the Proceedings

These proceedings concern proposals for assessment of civil penalties filed by the petitioner against the individually named respondent pursuant to section 110(c) of the Federal Mine Safety and Health Act of 1977, for allegedly "knowingly" authorizing, ordering, or carrying out, two alleged violations of certain mandatory safety standards found in Part 57, Title 30, Code of Federal Regulations. The respondent has filed answers to the proposals, and the petitioner has filed a settlement motion pursuant to Commission Rule 30, 29 C.F.R. 2700.30, seeking approval of a proposed settlement of the cases. The violations, initial assessments, and the proposed settlement amounts are as follows:

Docket No. CENT 89-54-M

Order No.	Date	30 C.F.R. Section	Assessment	Settlement
2866484	08/25/87	57.9003	\$400	\$200

Docket No. CENT 89-60-M

Order No.	Date	30 C.F.R. Section	Assessment	Settlement
2866117	08/25/87	57.11050	\$400	\$200

Discussion

In support of the proposed settlement disposition of these cases, the petitioner has submitted information pertaining to the civil penalty criteria found in section 110(i) of the Act. Additional information provided by the petitioner reflects that the respondent is no longer employed by Morton Thiokol, Inc., and has moved from LaFayette, Louisiana, to Butte, Montana. The respondent states that he is unemployed. Under these circumstances, the petitioner submits that the proposed settlement disposition of these cases is fair and reasonable, fully takes into consideration the criteria under section 110(i) of the Act, and is in the public interest.

The petitioner states that the respondent proposes to pay the settlement amount of \$400 in monthly installments, and has tendered the first installment of \$135 with his settlement letter of July 13, 1989, a copy of which is included with the petitioner's settlement motion. The remaining two installments of \$132.50 each will be paid over the next 2 months.

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of these cases, I conclude and find that the proposed settlement dispositions are reasonable and in the public interest. Accordingly, pursuant to 29 C.F.R. 2700.30, the motion filed by the petitioner IS GRANTED, and the settlements ARE APPROVED.

ORDER

The respondent IS ORDERED to pay the agreed-upon civil penalty assessments in the aforementioned amounts, and in accordance with the aforementioned payment schedule agreed to by the parties. This decision will not become final until such time as full payment is made by the respondent to the petitioner, and I retain jurisdiction in this matter until payment of all installments are remitted and received by the petitioner.

In the event the respondent fails to make full payment, or otherwise fails to comply with the terms of the settlement, petitioner is free to file a motion seeking appropriate sanctions or further action against the respondent, including a reopening of the cases.

George A. Koutras  
Administrative Law Judge