CCASE:

METTIKI COAL V. SOL (MSHA)

DDATE: 19900112 TTEXT: Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.) Office of Administrative Law Judges

METTIKI COAL CORPORATION,

CONTESTANT

CONTEST PROCEEDING

v.

Docket No. YORK 89-12-R Citation No. 3110113; 11/1/88

SECRETARY OF LABOR,

MINE SAFETY AND HEALTH

ADMINISTRATION (MSHA),

RESPONDENT

Mettiki Mine

Mine ID 18-00621

SECRETARY OF LABOR,

MINE SAFETY AND HEALTH ADMINISTRATION (MSHA),

PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. YORK 89-16 A. C. No. 18-00621-03655

v.

Mettiki Mine

METTIKI COAL COMPANY,

RESPONDENT

DECISION

Appearances: Judith L Horowitz, Esq., Office of the Solicitor,

U.S. Department of Labor, Philadelphia, PA

for the Secretary;

Susan Chetlin, Esq., Crowell and Moring, Washington, D.C., for the Respondent.

Before: Judge Fauver

At the hearing of this case, the parties proposed a settlement of Order No. 2709745. That settlement was approved, and the penalty amount will be included in the Order below. With respect to Citation No. 3110113, the parties proposed as a settlement, modification of the citation to delete the allegation of a significant and substantial violation and to have the penalty set by the judge. Tr. 785-786.1 Having considered the representations and documentation submitted, I approve the settlement and assess a civil penalty of \$100 for this violation.

ORDER

WHEREFORE IT IS ORDERED that Respondent shall pay civil penalties of \$250 within 30 days of this Decision. Docket No. 89-12-R is DISMISSED.

 $\mbox{William Fauver} \\ \mbox{Administrative Law Judge} \\ \ddot{\mbox{A}} \ddot{\mbo$ 

1. The transcript and exhibits are consolidated in the following cases, which were heard in May 1989:

Docket Nos. YORK 89-10-R, YORK 89-12-R, YORK 89-5, YORK 89-6, YORK 89-16, YORK 89-17, YORK 89-18, YORK 89-26, and YORK 89-28.