

CCASE:
SOL (MSHA) V. ROCHESTER AND PITTSBURGH COAL
DDATE:
19900301
TTEXT:

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. PENN 89-75
A.C. No. 36-02404-03744

v.

Greenwich Collieries No. 2

ROCHESTER & PITTSBURGH COAL COMPANY,
RESPONDENT

DECISION

Appearances: Linda M. Henry, Esq., Office of the Solicitor,
U.S. Department of Labor, Philadelphia, PA,
for the Petitioner;
Joseph A. Yuhas, Esq., Rochester and Pittsburgh
Coal Company, Ebensburg, PA, for the
Respondent.

Before: Judge Fauver

The Secretary seeks a civil penalty for an alleged violation under 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq.

The same citation was involved in Docket NO. PENN 88-194-R, a contest proceeding, in which the parties stipulated that this civil penalty case be adjudicated along with the notice of contest. After the hearing, the contest case was decided, affirming the citation and assessing a civil penalty of \$78. The civil penalty case was STAYED pending review by the Commission of the contest decision.

The Commission decided the contest case on February 21, 1990, affirming the judge's decision.

ORDER

WHEREFORE IT IS ORDERED that:

1. The STAY in this case is LIFTED.
2. Respondent shall pay the assessed civil penalty of \$78 within 30 days of this Decision.

William Fauver
Administrative Law Judge