

CCASE:
MSHA V. FRANCE STONE
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
FALLS CHURCH, VA
April 18, 1990

SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Petitioner v.	CIVIL PENALTY PROCEEDING Docket No. LAKE 89-92-M A.C. No. 20-00024-05514 Monroe Stone Quarry
FRANCE STONE COMPANY, Respondent	

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On April 16, 1990, the Secretary of Labor filed a motion for approval of a settlement reached by the parties in this case. The violations were originally assessed at \$12,000 and the parties propose to settle for \$412,000.

Two citations are involved in this docket, both growing out of a fatal accident on February 7, 1989. One charges a violation of 30 C.F.R. 56.9301 because an adequate berm was not provided at the edge of dumping area as a result of which a truck travelled over the edge of the stockpile 40 feet down to the quarry floor. This violation was assessed at \$10,000. The other citation charges a violation of 30 C.F.R. 56.14131 because the truck driver was not wearing seat belts while transporting and dumping material at the stockpile.

I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO pay the sum of \$12,000 within 30 days of the date of this order.

James A. Broderick
Administrative Law Judge

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