

CCASE:
SOL (MSHA) v. PITTSBURG & MIDWAY COAL MINING
DDATE:
19910401
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
The Federal Building
Room 280, 1244 Speer Boulevard
Denver, CO 80204

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

PITTSBURG & MIDWAY COAL
MINING COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 90-117
A.C. No. 29-00096-03539

McKinley Mine

DECISION

Appearances: Mary Witherow, Esq., Margaret Terry, Esq., Office
of the Solicitor, U.S. Department of Labor, Dallas,
Texas,
for Petitioner;

Ray D. Gardner, Esq., John Paul, Esq., The Pitts-
burg & Midway Coal Mining Co., Englewood, Colorado,
for Respondent.

Before: Judge Lasher

This is one of nine dockets which were consolidated for
hearing, eight of which were either fully or partially settled
after commencement of the hearing. The settlements were approved
from the bench on the record.

This docket involves 10 Citations. Petitioner agrees that
two Citations should be vacated and Respondent agrees to pay in
full Petitioner's administrative level penalty assessment for
eight of the Citations. The settlement as to these 10
Citations--involving either payment in full of the proposed
penalty or vacation of the Citation--is reflected in the Order,
infra.

ORDER

1. Citations numbered 3413501 and 3413520 are VACATED.

2. Respondent pursuant to the settlement agreement at
hearing SHALL PAY to the Secretary of Labor within 30 days from
the issuance date of this decision the following penalties
totaling \$2,917.

Citation No.	AMOUNT
3413099	\$588
3413100	371
3413502	588
3413504	371
3413519	20
3413821	20
3413825	371
3413503	588
TOTAL	\$2,917

Michael A. Lasher, Jr.
Administrative Law Judge