

CCASE:
SOL (MSHA) v. CALMAT
DDATE:
19910508
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),
ON BEHALF OF
WILLIAM R. BROCKMAN,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEST 91-21-DM

MD 89-62

v.
CALMAT COMPANY,
RESPONDENT

Sun Valley Plant

DECISION

Appearances: Lisa A. Gray, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Complainant;
Anne Morris, Esq., Los Angeles, California,
for Respondent.

Before: Judge Lasher

This matter came on for hearing on April 9, 1991, in Ontario, California. At commencement of hearing, the parties announced that a settlement had been reached resolving the litigation in question. At this time, counsel for the parties entered into a prepared statement setting forth their agreement and the bases therefor and such statement was read into and made part of the record. The accord reached by the parties appeared reasonable and consistent with the purposes of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq., and such was approved on the record from the bench. That bench decision is here affirmed. In summary, the Respondent conceded, solely for the purposes of this mine safety proceeding, that a violation of Section 105(c) of the Mine Act occurred and agreed to pay a civil penalty therefor in the sum of \$1000.00. My approval of this settlement is here affirmed, and the penalty stipulated is here assessed.

ORDER

Respondent, if it has not previously done so, shall pay to the Secretary of Labor within 30 days from the issuance date of this decision the sum of \$1000 as and for the civil penalty above assessed.

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Upon payment of such penalty, this proceeding shall be deemed
DISMISSED.

Michael A. Lasher, Jr.
Administrative Law Judge