

CCASE:
SOL (MSHA) v. RAMBLIN COAL
DDATE:
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TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

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

CIVIL PENALTY PROCEEDINGS
Docket No. KENT 90-428
A.C. No. 15-16104-03533

v.
RAMBLIN COAL COMPANY, INC.,
RESPONDENT

No. 5 Mine
Docket No. KENT 90-429
A.C. No. 15-16685-03510

Docket No. KENT 90-430
A.C. No. 15-16685-03511

No. 8 Mine

ORDER

These consolidated cases came on for hearing at Prestonsburg, Kentucky, on June 18, 1991. Various motions were made and ruled upon from the bench. This Order confirms the bench rulings.

WHEREFORE IT IS ORDERED that:

1. The motion for approval of settlement in Docket No. KENT 90-428 is GRANTED. Respondent shall pay the approved civil penalty of \$105 within 30 days of this Order and upon such payment Docket No. KENT 90-428 is DISMISSED.

2. In Docket No. KENT 90-430, the Secretary's motion to vacate Citation No. 3367869 is GRANTED.

3. In Docket No. KENT 90-429, the motion to approve settlement of the following citations, in the civil penalty amounts shown, is GRANTED.

Citation	Civil Penalty
3367128	\$91
3510164	\$20
3510419	\$112

Respondent shall pay the approved civil penalties of \$223 within 30 days of this Order.

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4. STAY ORDER: as to all remaining citations in Docket No. KENT 90-430 and as to Citation No. 3509948 in Docket No. KENT 90-429, further proceedings are STAYED pending the Commission's decision in Hobert Mining, Inc., Docket No. WEVA 91-65.

5. A decision on the merits of the remaining citations in Docket No. KENT 90-429 shall be rendered after consideration of the parties' briefs.

William Fauver
Administrative Law Judge