

CCASE:
SOL (MSHA) v. CONSOLIDATION COAL
DDATE:
19910717
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

v.

CONSOLIDATION COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. WEVA 91-92
A.C. No. 46-01433-03953

Loveridge No. 22 Mine

Docket No. WEVA 91-102
A.C. No. 46-01318-03975

Robinson Run No. 95 Mine

DECISION APPROVING SETTLEMENT

Appearances: Charles Jackson, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia, for
the Petitioner;
Walter J. Scheller III, Esq., Consolidation Coal
Company, Pittsburgh, Pennsylvania, for the
Respondent.

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). At hearings, petitioner filed a motion to approve a settlement agreement which was supplemented post-hearing. A modification of Citation Nos. 3308698 and 3309261 to delete the "significant and substantial" findings and a reduction in penalties from \$1,722 to \$1,400 has been proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate under the criteria set forth in section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$1,400 within 30 days of this order.

Gary Melick
Administration Law Judge