

CCASE:
SOL (MSHA) v. OLD BEN COAL
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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.

OLD BEN COAL COMPANY,
Respondent

CIVIL PENALTY PROCEEDINGS

Docket No. LAKE 91-44
A.C. No. 11-00590-03766

Docket No. LAKE 91-45
A.C. No. 11-00590-03767

Docket No. LAKE 91-69
A.C. No. 11-00589-03770

Docket No. LAKE 91-113
A.C. No. 11-00589-03774

Docket No. LAKE 91-121
A.C. No. 11-00589-03778

Docket No. LAKE 91-442
A.C. No. 11-00589-03782

Docket No. LAKE 91-486
A.C. No. 11-00589-03783

No. 24 Mine

Docket No. LAKE 91-27
A.C. No. 11-02392-03818

Docket No. LAKE 91-131
A.C. No. 11-02392-03829

No. 25 Mine

Docket No. LAKE 91-24
A.C. No. 11-00590-03805

Docket No. LAKE 91-28
A.C. No. 11-00590-03806

Docket No. LAKE 91-46
A.C. No. 11-00590-03810

Docket No. LAKE 91-47
A.C. No. 11-00590-03812

Docket No. LAKE 91-68
A.C. No. 11-00590-03813

Docket No. LAKE 91-71
A.C. No. 11-00590-03817

Docket No. LAKE 91-78
A.C. No. 11-00590-03818

Docket No. LAKE 91-79
A.C. No. 11-00590-03819

Docket No. LAKE 91-100
A.C. No. 11-00590-03820

Docket No. LAKE 91-108
A.C. No. 11-00590-03821

Docket No. LAKE 91-110
A.C. No. 11-00590-03823

Docket No. LAKE 91-114
A.C. No. 11-00590-03824

Docket No. LAKE 91-115
A.C. No. 11-00590-03825

Docket No. LAKE 91-116
A.C. No. 11-00590-03826

Docket No. LAKE 91-122
A.C. No. 11-00590-03827

Docket No. LAKE 91-128
A.C. No. 11-00590-03829

Docket No. LAKE 91-129
A.C. No. 11-00590-03830

Docket No. LAKE 91-417
A.C. No. 11-00590-03832

Docket No. LAKE 91-427
A.C. No. 11-00590-03833

No. 26 Mine

DECISION APPROVING SETTLEMENT

Appearances: Rafael Alvarez, Esq., U. S. Department of Labor,
Office of the Solicitor, Chicago, Illinois, for
the Secretary;
Gregory S. Keltner, Esq., Fairview Heights,
Illinois, for the Respondent.

Before: Judge Weisberger

These cases were consolidated and set for hearing on June 25, 1991, in St. Louis, Missouri. At that time, Petitioner made a series of Motions to approve settlements that had been entered into between the Parties in these cases. Petitioner, had initially sought penalties totaling \$11,656, and the Parties have proposed in their settlements, that the total penalties should be reduced to \$6,079.

At the hearing, the Parties made extensive and thorough representations and proffered documentary evidence with regard to the facts relating to each of the Citations and Orders at issue in these cases, and the factors set forth in Section 110(i) of the Federal Mine Safety and Health Act of 1977 (the Act). I have considered these representatives as well as the factors set forth in Section 110(i) of the Act, and I find that the settlements and the proposed penalties are appropriate, and I approve the settlements presented at the hearing.

It is ORDERED that the above docket numbers be severed from the docket numbers they were consolidated within an Order issued June 25, 1991, (Docket No. LAKE 91-15 et al).

It is further ORDERED that, within 30 days of this Decision, Respondent shall pay penalties totaling \$6,079.

Avram Weisberger
Administrative Law Judge