CCASE:
SOL (MSHA) v. JET CONCRETE
DDATE:
19910725
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,   CIVIL PENALTY PROCEEDING
  MINE SAFETY AND HEALTH
  ADMINISTRATION (MSHA),   Docket No. WEST 90-273-M
                  PETITIONER   A.C. No. 26-02153-05501
        v.
                                          Docket No. WEST 90-274-M
JET CONCRETE INCORPORATED,   A.C. No. 26-02153-05502
                  RESPONDENT
                                          Docket No. WEST 90-347-M
                                          A.C. No. 26-02153-05503

                                          Docket No. WEST 91-6-M
                                          A.C. No. 26-02153-05504

                                          Jet Concrete Inc.

                       DECISION APPROVING SETTLEMENT

Before: Judge Morris

     These cases are civil penalty proceedings initiated by
Petitioner against Respondent in accordance with the Federal Mine
Safety and Health Act of 1977, 30 U.S.C.   801, et seq. The civil
penalties sought here are for the violation of mandatory
standards promulgated pursuant to the Act.

     The parties reached an amicable settlement prior to a
hearing.

     In WEST 90-273-M, the parties seek to settle 20 citations
with assessments of $1024 for the sum of $802.

     In WEST 90-274-M, the parties seek to settle 7 citations for
the assessments totaling $248.

     In WEST 90-347-M, the parties seek to settle 10 citations
with assessments of $3000 for the sum of $1740.

     In WEST 91-6-M, the parties seek to settle 1 citation with
an assessment of $400 for the sum of $247.

     In connection with the motion, the parties have further
submitted information relating to the statutory criteria for
assessing civil penalties as contained in 30 U.S.C.   820(i).

     I have reviewed the proposed settlement and I find it is
reasonable and in the public interest. It should be approved.

     Accordingly, I enter the following:

ORDER

    1. The settlement agreement is APPROVED.

    2. The citations and penalties, as provided in the settlement agreement, are AFFIRMED.

    3. Respondent is ORDERED TO PAY to the Secretary of Labor the sum of $3037 within 30 days of the date of this decision.

                John J. Morris
                Administrative Law Judge