

CCASE:
SOL (MSHA) v. CONSOLIDATION COAL
DDATE:
19910827
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 PROCEEDING

Docket No. WEVA 91-192
A.C. No. 46-01453-03947

Humphrey No. 7 Mine

DECISION APPROVING SETTLEMENT

Appearances: Robert Wilson, 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

This case is before me upon a petition 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 and to dismiss the case.
The Secretary vacated Citation No. 3307355 for insufficient
evidence. A reduction in penalty from \$212 to \$135 was 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 \$135 within 30
days of this order.

Gary Melick
Administrative Law Judge