

CCASE:
SOL (MSHA) v. OLD BEN COAL
DDATE:
19920115
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.

OLD BEN COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. LAKE 91-721
A.C. No. 11-00589-03791

Docket No. LAKE 91-754
A.C. No. 11-00589-03797

Docket No. LAKE 92-3
A.C. No. 11-00589-03798

No. 24 Mine

Docket No. LAKE 91-685
A.C. No. 11-02392-03835

No. 25 Mine

Docket No. LAKE 91-487
A.C. No. 11-00590-03834

Docket No. LAKE 91-686
A.C. No. 11-00590-03837

Docket No. LAKE 91-724
A.C. No. 11-00590-03845

No. 26 Mine

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

v.

ZEIGLER COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. LAKE 91-718
A.C. No. 11-00586-03655

Docket No. LAKE 91-748
A.C. No. 11-00586-03656

Docket No. LAKE 91-796
A.C. No. 11-00586-03658

Murdock Mine

Docket No. LAKE 91-728
A.C. No. 11-02408-03644

Docket No. LAKE 91-729
A.C. No. 11-02408-03645

Docket No. LAKE 91-730
A.C. No. 11-02408-03646

Docket No. LAKE 91-747
A.C. No. 11-02408-03647

No. 11 Mine

DECISION APPROVING SETTLEMENT

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

Before: Judge Weisberger

In order to expedite a decision on these cases, it is
ORDERED that they be severed from Docket No. LAKE 91-29 et al.

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). On December 16, 1991, subsequent to
a hearing on the merits on another matter, Petitioner moved to
approve settlement agreement and to dismiss the cases. A
reduction in penalties from \$3,443 to \$1,391 is proposed. I have
considered the representations and documentation submitted in
these cases, 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 penalties of \$1,391 within
30 days of this order.

Avram Weisberger
Administrative Law Judge