

CCASE:
SOL (MSHA) v. WALKER COAL
DDATE:
19920212
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.

WALKER COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 91-1113
A.C. No. 15-14422-03553D

Docket No. KENT 91-1114
A.C. No. 15-13359-03565D

No. 1 Mine

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On January 21, 1992, the Secretary filed a motion to approve a settlement between the parties in the above cases. The cases include five alleged violations of 30 C.F.R. 70.209(b), each of which was originally assessed at \$1000. The Secretary continued to assert that the violations resulted from a deliberate act, which is denied by the mine operator. The degree of negligence is disputed, and the parties agree to the reduction in the total penalties from \$5,000 to \$4,000.

I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement motion is APPROVED. The operator is ordered to pay within 30 days of the date of this order the sum of \$4,000 for the violations charged in these proceedings.

James A. Broderick
Administrative Law Judge