

CCASE:
BETTY B COAL v. SOL (MSHA)
DDATE:
19920219
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

BETTY B COAL COMPANY, INC.,
CONTESTANT

v.

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

CONTEST PROCEEDINGS

Docket No. VA 91-410-R
Through VA 91-411-R

Citation No. 9861401; 4/4/91
Through No. 9861402; 4/4/91

Mine No. 12 44-06423

Docket No. VA 91-412-R
Citation No. 9861047; 4/4/91

Mine No. 11 44-04204

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

v.

BETTY B COAL COMPANY, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. VA 91-454
A. C. No. 44-04204-03538D

Docket No. VA 91-455
A. C. No. 44-06423-03525D

No. 11 Mine

DECISION APPROVING SETTLEMENT
ORDER OF DISMISSAL

Before: Judge Broderick

On December 4, 1991, the Secretary filed a motion to approve a settlement between the parties in the above cases. The cases include 3 alleged violations of 30 C.F.R. 70.209(b), each of which was originally assessed at \$1200. The Secretary continues 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 a reduction in the total penalties from \$3600 to \$2880.

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.

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Accordingly, the settlement motion is APPROVED. The operator is ORDERED to pay within 30 days of the date of this order, the sum of \$2880 for the violations charged in this proceeding.

IT IS FURTHER ORDERED that the contest proceedings are DISMISSED.

James A. Broderick
Administrative Law Judge