

CCASE:
SOL (MSHA) v. CHRISMAN READY-MIX INC
DDATE:
19920309
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,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

CHRISMAN READY-MIX INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 91-17-M
A.C. No. 03-01597-05503

Clarksville Quarry

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

v.

OZARK MATERIAL CO., INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 91-82-M
A.C. No. 03-01509-05502

Guthrey Island Pit & Plant

DECISION

Appearances: Ernest A. Burford, Esq., Office of the Solicitor,
U.S. Department of Labor, Dallas, Texas,
for Petitioner;
Robert Chrisman, President, Ozark Material Company,
Inc., Ozark, Arkansas,
for both Respondents.

Before: Judge Lasher

In these two proceedings the Secretary of Labor (MSHA) seeks assessment of penalties for a total of three alleged violations (described in three Citations) pursuant to Section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a) (1977).

After the commencement of hearing in Fort Smith, Arkansas, on December 19, 1991, the parties concluded a settlement of the two violations involved in Docket No. CENT 91-82-M and Respondent agreed to pay in full MSHA's initially assessed penalties of \$39 each for both Citations, Nos. 3625803 and 3625804. That settlement was approved from the bench (T. 57-59) and such approval is here affirmed and will be reflected in the Order appearing at the end of this decision.

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As a result of the settlement, only one Citation remained, No. 3281982 contained in Docket No. CENT 91-17-M.

Subsequent to the hearing on the issues involved in this matter, Respondent agreed to pay in full the penalty proposed by MSHA (\$20.00) and MSHA's motion to approve this resolution is here approved and such penalty is assessed.

ORDER

In Docket No. CENT 91-82-M, Citations numbered 3625803 and 3625804 are AFFIRMED and Respondent, within 30 days from the date of this decision, SHALL PAY to the Secretary of Labor penalties totaling \$78.00 (\$39.00 for each Citation).

In Docket No. CENT 91-17-M, Citation No. 3281982 is AFFIRMED and Respondent, if it has not previously done so, within 30 days from the date of this decision SHALL PAY to the Secretary of Labor a penalty therefor in the sum of \$20.00.

Michael A. Lasher, Jr.
Administrative Law Judge