

CCASE:  
HARMAN MINING V. SOL (MSHA)  
DDATE:  
19920331  
TTEXT:

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

HARMAN MINING COMPANY  
CONTESTANT

v.

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION  
RESPONDENT

CONTEST PROCEEDING(S)

Master Docket No. 91-1  
DOCKET NOS. VA 91-270-R  
through VA 91-287-R  
Citation Nos. 9861336  
through No. 9861344  
Mine: Greenbrier No. 1

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION  
PETITIONER

v.

HARMAN MINING CORPORATION  
RESPONDENT

PENALTY PROCEEDING(S)

Master Docket No. 91-1  
DOCKET NO. VA 91-536  
A.C. No. 44-06259-03556D

Mine: Greenbrier No. 1

DECISION APPROVING SETTLEMENT  
ORDER OF DISMISSAL

Before: Judge Broderick

On March 26, 1992, the Secretary filed a motion to approve a settlement between the parties in the above cases. The cases involve nine alleged violations of 30 C.F.R. 70.209(b), each of which was originally assessed at \$1,300. 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 \$11,700 to \$9,360.

I have considered the motion in light of the criteria in 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 \$9,360 for the violation(s) charged in these proceedings.

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IT IS FURTHER ORDERED that the contest proceedings are  
DISMISSED.

James A. Broderick  
Administrative Law Judge