

CCASE:
SOL (MSHA) V. CAPRICORN COAL
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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
 PETITIONER
v.
CAPRICORN COAL COMPANY, INC.
 RESPONDENT

PENALTY PROCEEDING(S)

Master Docket No. 91-1
Docket No. KENT 91-1028
A. C. No. 15-16376-03515D

Mine No. 3

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On June 2, 1992, the Secretary filed a motion to approve a settlement between the parties in the above case. The case includes one alleged violation of 30 C.F.R. Section 70.209(b), which was originally assessed at \$1,200. The Secretary continues to assert that the violation 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 \$1,200 to \$960.

I have considered the motion in light of the criteria 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 \$960 for the violation charged in this proceeding.

James A. Broderick
Administrative Law Judge