

CCASE:
SOL (MSHA) V. HILLS MATERIALS
DDATE:
19920617
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
THE FEDERAL BUILDING
1244 SPEER BOULEVARD #280
DENVER, CO 80204-3582
(303)844-5266/FTS 564-5266

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

v.

HILLS MATERIALS COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 91-149-M
A.C. No. 39-00180-05511

P Q 1643

DECISION

Appearances: Susan J. Eckert, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Edward C. Carpenter, Esq., COSTELLO, PORTER, HILL,
HEISTERKAMP & BUSHNELL, Rapid City, South Dakota,
for Respondent.

Before: Judge Lasher

Upon motion for approval of a proposed settlement of the
five violations involved after hearing, and the same appearing
proper, the settlement is APPROVED.

Upon evaluation of the evidence in the record, the parties
agree that two of the Citations involved should be modified and
the penalties therefor reduced. Respondent agrees to the
Petitioner's proposed penalties for the three remaining
Citations. The terms of the settlement are reflected in the order
below. The penalties agreed to by the parties are here ASSESSED.

ORDER

1. Citations numbered 3629578 and 3635122 are MODIFIED to
delete the "Significant and Substantial" designations thereon and
are otherwise AFFIRMED.

2. Respondent, if it has not previously done so, is ORDERED
TO PAY to the Secretary of Labor within 40 days from the date
hereof the sum of \$817 (\$20 each for Citations numbered 3629578
and 3635122 and \$259 each for Citations numbered 3629575,
3629577, and 3629579).

Michael A. Lasher, Jr.
Administrative Law Judge