

CCASE:  
SOL (MSHA) V. DORIS COAL  
DDATE:  
19920617  
TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
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5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

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

Master Docket No. 91-1  
Docket No. VA 91-571  
A. C. No. 44-04704-03533D

v.

No. 7 Mine

DORIS COAL COMPANY, INC.,  
RESPONDENT  
CIVIL PENALTY PROCEEDING

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On June 10, 1992, the Secretary filed a motion to approve a settlement between the parties in the above case. The case includes thirteen alleged violations of 30 C.F.R. 70.209(b), which were originally assessed at \$1,100 apiece. 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 the reduction in the total penalties from \$14,300 to \$12,155.

I have considered the motion in light of the criteria in section 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 \$12,155 for the violations charged in this proceeding.

James A. Broderick  
Administrative Law Judge