

CCASE:
MSHA V. HELEN MINING
DDATE:
19921207
TTEXT:

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,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 92-704
Petitioner	:	A.O. No. 36-00926-03946
	:	
v.	:	Docket No. PENN 92-705
	:	A.O. No. 36-00926-03947
	:	
HELEN MINING COMPANY,	:	Docket No. PENN 92-537
Respondent	:	A.O. No. 36-00926-03937
	:	
	:	Docket No. PENN 92-536
	:	A.O. No. 36-00926-03936
	:	
	:	Docket No. PENN 92-565
	:	A.O. No. 36-00926-03940
	:	
	:	Docket No. PENN 92-732
	:	A.O. No. 36-00926-03951
	:	
	:	Docket No. PENN 92-789
	:	A.O. No. 36-00926-03955
	:	
	:	Docket No. PENN 92-641
	:	A.O. No. 36-00926-03942
	:	
	:	Docket No. PENN 92-439
	:	A.O. No. 36-00926-03929
	:	
	:	Docket No. PENN 92-419
	:	(partial settlement)
	:	A.O. No. 36-00926-03925
	:	
	:	Docket No. PENN 92-664
	:	A.O. No. 36-00926-03945
	:	
	:	Docket No. PENN 92-538
	:	A.O. No. 36-00926-03938
	:	
	:	Docket No. PENN 92-521
	:	A.O. No. 36-00926-03932
	:	(settled on 9/22/92)

: Docket No. PENN 92-597
 : A.O. No. 36-00926-03941
 :
 : Docket No. PENN 92-564
 : A.O. No. 36-00926-03939
 :
 : Docket No. PENN 92-534
 : A.O. No. 36-00926-03933
 :
 : Docket No. PENN 92-535
 : A.O. No. 36-00926-03935
 :

HELEN MINING
 COMPANY,
 CONTEST

NOTICE OF

Contestant : PROCEEDINGS

v.

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

: Docket No. PENN 92-407-R
 : Citation No. 3488593; 2/11/92
 :
 : Docket No. PENN 92-408-R
 : Order No. 3488594; 2/13/92
 :
 : Docket No. PENN 92-409-R
 : Order No. 3488670; 2/4/92
 :
 : Docket No. PENN 92-410-R
 : Order No. 3488672; 2/8/92
 :
 : Docket No. PENN 92-411-R
 : Citation No. 3488933; 2/12/92
 :
 : Docket No. PENN 92-412-R
 : Order No. 3488595; 2/12/92
 :
 : Docket No. PENN 92-413-R
 : Citation No. 3488854; 1/27/92
 :
 : Docket No. PENN 92-414-R
 : Order No. 3488677; 2/13/92
 :
 : Docket No. PENN 92-433-R
 : Citation No. 3488900; 3/26/92
 :
 : Docket No. PENN 92-434-R
 : Citation No. 3488934; 3/17/92
 : Docket No. PENN 92-435-R
 : Order No. 3708390; 3/28/92
 :
 : Docket No. PENN 92-436-R
 : Order No. 3708391; 3/28/92

DECISION APPROVING SETTLEMENT

Appearances: Edward H. Fitch, Esq., Arlington, VA,
for Petitioner;
J. Michael Klutch, Esq., Pittsburgh, PA,
for Respondent.

Before: Judge Fauver

These consolidated cases were brought under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq.

The parties have moved for approval of a comprehensive settlement disposing of all the issues in these cases. The settlement includes agreed civil penalties for specified citations or orders and the withdrawal of others, and the withdrawal of the corresponding actions for review of citations or orders.

I have reviewed the documentation submitted in support of the motion and conclude that the motion is consistent with the criteria for assessment of civil penalties in 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that:

1. The motion for approval of settlement is GRANTED.
2. Within 30 days of the date of this Decision, Respondent shall pay to the Secretary the approved civil penalties of \$22,732.00.
3. The approved settlement constitutes a final disposition of all the cases, which upon payment of the above civil penalties are DISMISSED.

William Fauver
Administrative Law Judge

Distribution:

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/fcca