

CCASE:
MSHA V. JIM WALTER RESOURCES
DDATE:
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SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 92-226
Petitioner	:	A.C. No. 01-00758-03838
v.	:	No. 3 Mine
	:	
JIM WALTER RESOURCES, INC.,	:	Docket No. SE 92-227
Respondent	:	A.C. No. 01-01247-03957
	:	
	:	Docket No. SE 92-228
	:	A.C. No. 01-01247-03958
	:	
	:	Docket No. SE 92-230
	:	A.C. No. 01-01247-03959
	:	
	:	Docket No. SE 92-238
	:	A.C. No. 01-01247-03962
	:	
	:	No. 4 Mine
	:	
	:	Docket No. SE 92-239
	:	A.C. No. 01-01322-03837
	:	
	:	Docket No. SE 92-250
	:	A.C. No. 01-01322-03839
	:	
	:	No. 5 Mine
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	:	Docket No. SE 92-219
	:	A.C. No. 01-01401-03866
	:	
	:	Docket No. SE 92-229
	:	A.C. No. 01-01401-03871
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	:	Docket No. SE 92-241
	:	A.C. No. 01-01401-03872
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	:	Docket No. SE 92-242
	:	A.C. No. 01-01401-03873
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	:	Docket No. SE 92-243
	:	A.C. No. 01-01401-03874
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	:	Docket No. SE 92-251
	:	A.C. No. 01-01401-03875

: Docket No. SE 92-272
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: A.C. No. 01-01401-03878
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: Docket No. SE 92-278
: A.C. No. 01-01401-03879
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: Docket No. SE 92-296
: A.C. No. 01-01401-03883
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: Docket No. SE 92-300
: A.C. No. 01-01401-03882
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: Docket No. SE 92-301
: A.C. No. 01-01401-03884
:
: Docket No. SE 92-342
: A.C. No. 01-01401-03891
:
: No. 7 Mine

DECISION

Appearances: William Lawson, Esquire, Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Petitioner;
R. Stanley Morrow, Esq., Mining Division,
Jim Walter Resources, Inc., Brookwood, Alabama,
for Respondents

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the "Act"). At hearings, Petitioner filed motions to approve settlement agreements and to dismiss the cases. A reduction in total penalties from \$18,125 to \$10,754, the vacation of Citation Nos. 3191450, 3191451, 3191544, 3191574, 2804674 and 3008118, and removal of the "significant and substantial" designations for the specified citations have been proposed. I have considered the representations and documentation submitted in these cases before and at hearings, and I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act.

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WHEREFORE, the motion for approval of settlement is GRANTED, including the Secretary's removal of her "significant and substantial" findings as requested, and it is ORDERED that Respondent pay a penalty of \$10,754 within 30 days of this order.

Gary Melick
Administrative Law Judge
703-756-6261

Distribution:

William Lawson, Esq., Office of the Solicitor, U.S. Department of Labor, 2015 Second Avenue North, Suite 201, Birmingham, AL 35203 (Certified Mail)

R. Stanley Morrow, Esq., Jim Walter Resources, Inc., P.O. Box 133, Brookwood, AL 35444 (Certified Mail)

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