

CCASE:  
MSHA V. GOOD TIMES MINING  
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SECRETARY OF LABOR,	)	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	)	
ADMINISTRATION (MSHA),	)	Master Docket No. 91-1
Petitioner	)	
	)	Docket No. VA 91-462
v.	)	A.C. No. 44-06333-03508D
	)	
GOOD TIMES MINING, INC.,	)	Mine No. 2
Respondent	)	
	)	Docket No. KENT 91-1051
	)	A.C. No. 15-16410-03514D
	)	
	)	Mine No. 3

ORDER OF DISMISSAL

Before: Judge Broderick

On December 8, 1992, the Secretary filed a motion to dismiss these proceedings on the grounds that on August 6, 1991, Respondent Good Times Mining, Inc., and Jay Wallace, principal of Respondent, entered into plea agreements, agreeing to plead guilty to charges of conspiracy to defraud an agency of the United States in connection with the civil violations charged herein. Respondent contracted with Triangle Research to handle its dust sampling program. Triangle's principal and agent admitted falsifying the samples submitted to MSHA, and admitted that on numerous occasions they blew air on the filter surfaces of manufactured dust samples. Harry White and Ronald Ellis have been convicted of defrauding the Government, and have received prison sentences. Respondent provided Triangle with signed blank dust data cards which were submitted to MSHA with the samples.

On August 6, 1992, Judge James C. Turk of the Western District of Virginia, sentenced Good Times Mining, Inc. to pay a fine of \$30,000 of which \$15,000 was suspended and to 2 years probation. Jay Wallace was sentenced to pay a fine of \$5,000 and to 2 years probation and 2 months home confinement. As part of the plea agreement, the Secretary agreed to move to discuss pending civil penalty proceedings against Respondent for violations of the laws governing the dust sampling program.

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I conclude that under the circumstances dismissal of these proceedings effectuates the purposes of the Mine Act.

Accordingly, these proceedings are DISMISSED.

James A. Broderick  
Administrative Law Judge

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