

CCASE:
RED DOG COAL V. MSHA V. RED COAL
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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RED DOG COAL CORPORATION,)	CONTEST PROCEEDING
Contestant)	
v.)	Master Docket No. 91-1
)	Docket No. KENT 91-698-R
SECRETARY OF LABOR,)	Citation No. 9859294; 4/4/91
MINE SAFETY AND HEALTH)	
ADMINISTRATION (MSHA),)	Mine No. 3-A
Respondent)	Mine ID 15-15908
)	
SECRETARY OF LABOR,)	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH)	
ADMINISTRATION (MSHA),)	Docket No. KENT 91-1112
Petitioner)	A.C. No. 15-15908-03525D
v.)	
)	Mine No. 3-A
RED DOG COAL CORPORATION,)	
Respondent)	

ORDER OF DISMISSAL

Before: Judge Broderick

On December 9, 1992, the Secretary filed a motion to dismiss these proceedings on the grounds that on August 7, 1991, the Respondent Red Dog Coal Corporation and Ronnie Alan Edwards, 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 filtered surfaces of manufactured dust samples. Harry White and Ronald Ellis of Triangle have been convicted of defrauding the Government and have received prison sentences.

On August 7, 1992, Judge Samuel J. Wilson of the Western District of Virginia sentenced Red Dog Coal Corporation to pay a fine of \$30,000 of which \$15,000 was suspended and to 2 years probation. Ronnie Alan Edwards was sentenced to pay a fine of \$5,000 and to 2 years probation and 2 months home confinement. The Secretary agreed to move to dismiss pending civil penalty proceedings against Respondent for violations of the laws governing the dust sampling program.

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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