

CCASE:
SOL (MSHA) V. PRICE CONSTRUCTION
DDATE:
19930121
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1244 SPEER BOULEVARD #280
DENVER, CO 80204-3582
(303) 844-5266/FAX (303) 844-5268

January 21, 1993

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. CENT 92-33-M
Petitioner : A.C. No. 41-02926-05515
 :
v. : Crusher #2
 :
PRICE CONSTRUCTION INC., :
Respondent :

DECISION

Appearances: Nancy B. Carpentier, Esq., Office of the Solicitor, U.S. Department of Labor, Dallas, Texas, for Petitioner;
Bob Price, President, PRICE CONSTRUCTION, INC., Big Spring, Texas, for Respondent.

Before: Judge Lasher

This proceeding was initiated by the filing of a Complaint Proposing Penalty by Petitioner on December 20, 1991, pursuant to Section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a) seeking assessment of a penalty for a violation described in Citation No. 3448774 issued April 2, 1991.

At commencement of hearing in Abilene, Texas, on November 19, 1992, the parties conferred and reached an amicable resolution of this matter. The parties agreed that the "Significant and Substantial" designation of the violation should be deleted and that an appropriate penalty should be \$25.00. This settlement was approved from the bench by my order on the record (T. 5-6) and such is here AFFIRMED and the penalty stipulated is here ASSESSED.

ORDER

1. Citation No. 3448774 is MODIFIED to delete the "Significant and Substantial" designation thereon and is otherwise AFFIRMED.

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2. Respondent, if it has not previously done so, SHALL PAY to the Secretary of Labor within 40 days from the date hereof the sum of \$25.00.

Michael A. Lasher, Jr.
Administrative Law Judge

Distribution:

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