

CCASE:  
SOL (MSHA) V. YOUNG BROTHERS  
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 92-46-M  
Petitioner : A.C. No. 41-03142-05522  
 :  
v. : Atkins Pit  
 :  
YOUNG BROTHERS INCORPORATED, :  
Respondent :

DECISION

Appearances: Nancy B. Carpentier, Esq., Office of the Solicitor, U.S. Department of Labor, Dallas, Texas, for Petitioner;  
Richard C. Baldwin, Risk Manager, Waco, Texas, for Respondent.

Before: Judge Lasher

This proceeding was initiated by the filing of a Complaint Proposing Penalty by Petitioner on February 3, 1992, 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 Section 107(a) Withdrawal Order No. 3895378 issued May 29, 1991.

At commencement of hearing in this matter in Abilene, Texas, on November 17, 1992, the parties conferred and reached an amicable resolution of the litigation wherein Respondent agreed to pay a penalty of \$250 for the violation described in the Withdrawal Order. This settlement was approved by my bench order on the record (T. 4) and such is AFFIRMED here, and the penalty agreed to is here ASSESSED.

ORDER

Respondent, if it has not already done so, SHALL PAY to the Secretary of Labor within 40 days from the issuance date of this decision the sum of \$250.00.

Michael A. Lasher, Jr.  
Administrative Law Judge

~112

Distribution:

Nancy Carpentier, Esq., Office of the Solicitor, U.S. Department  
of Labor, 525 Griffin Street, Suite 501, Dallas, TX 75202  
(Certified Mail)

Mr. Richard C. Baldwin, Risk Manager, P.O. Drawer 1800, Waco, TX  
76703 (Certified Mail)

ek