

CCASE:

SOL (MSHA) V. COSTAIN COAL

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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 92-452
Petitioner : A.C. No. 15-13920-03732
v. :
: Pyro No. 9 Wheatcroft
COSTAIN COAL INCORPORATED, :

DECISION APPROVING SETTLEMENT

Before: Judge Feldman

Statement of the Proceedings

This proceeding concerns proposals for assessment of civil penalties filed by the petitioner against the respondent pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a), seeking civil penalty assessments for four(4) alleged violations of certain mandatory safety standards found in Part 75, Title 30, Code of Federal Regulations. The respondent filed timely answers denying the alleged violations.

The parties have decided to settle this matter, and the Secretary has filed a joint motion pursuant to Commission Rule 30, 29 C.F.R. 2700.30, seeking approval of the proposed settlements. No reduction in penalties is proposed. The citations, initial assessments, and the proposed settlement amounts are as follows:

| Citation No. | Proposed Assessment | Settlement |
|--------------|---------------------|------------|
| 3549975 | \$ 126.00 | \$ 126.00 |
| 3549976 | \$ 178.00 | \$ 178.00 |
| 3546673 | \$ 192.00 | \$ 192.00 |
| 3546677 | \$ 192.00 | \$ 192.00 |

Discussion

In support of the proposed settlement disposition, the petitioner has submitted information pertaining to the six statutory civil penalty criteria found in section 110(i) of the Act. In addition, the petitioner has submitted a full discussion and disclosure as to the facts and circumstances surrounding the issuance of the citations in question.

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of this case, I conclude that the proposed settlement disposition is reasonable and in the public interest. Accordingly, pursuant to 29 C.F.R. 2700.30, the motion IS GRANTED, and the settlement IS APPROVED.

ORDER

Respondent IS ORDERED to pay civil penalties in the amount of \$688 in satisfaction of the violations in question. Payment is to be made to MSHA within thirty (30) days of the date of this order, and upon receipt of payment, this proceeding IS DISMISSED.

Jerold Feldman
Administrative Law Judge

Distribution:

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