

CCASE:  
SOL (MSHA) V. GATLIFF COAL  
DDATE:  
19930318  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, 10th FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. KENT 90-100  
Petitioner : A.C. No. 15-04322-05530  
 :  
v. : Docket No. KENT 90-215  
 : A.C. No. 15-04322-05531  
GATLIFF COAL COMPANY, INC. :  
Respondent : Gatliff No. 1 Mine  
 :  
GATLIFF COAL COMPANY, INC., : NOTICES OF CONTEST  
Contestant :  
 : Docket No. KENT 89-242-R  
v. : Citation No. 3178703; 8/3/89  
 :  
SECRETARY OF LABOR, : Docket No. KENT 89-243-R  
MINE SAFETY AND HEALTH : Citation No. 3178704; 8/3/89  
ADMINISTRATION (MSHA), :  
Respondent : Docket No. KENT 89-244-R  
 : Citation No. 3178706; 8/3/89  
 :  
 : Docket No. KENT 89-245-R  
 : Citation No. 3178707; 8/3/89  
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 : Docket No. KENT 89-246-R  
 : Citation No. 3178708; 8/3/89  
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 : Docket No. KENT 89-247-R  
 : Citation No. 3178709; 8/3/89  
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 : Docket No. KENT 89-248-R  
 : Citation No. 3178710; 8/3/89  
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 : Docket No. KENT 89-249-R  
 : Citation No. 3178711; 8/3/89  
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 : Docket No. KENT 89-250-R  
 : Citation No. 3178712; 8/3/89  
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 : Docket No. KENT 89-251-R  
 : Citation No. 3178713; 8/3/89  
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 : Docket No. KENT 89-252-R  
 : Citation No. 3178714; 8/3/89  
 :  
 : Gatliff No. 1 Mine  
 : Mine ID No. 15-04322

DECISION APPROVING SETTLEMENT

Before: Judge Melick

The captioned cases were remanded by the Commission on December 7, 1992, for reassessment of civil penalties for Citation No. 3178705 in Docket No. KENT 90-100 under Section 110(i) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner thereafter filed a motion to approve a settlement agreement as to this citation. A reduction in penalty from \$4,000 to \$500 is proposed. I have considered the fact that following trial and appeals to this Commission, the original Section 104(d) order was modified to a Section 104(a) citation without "unwarrantable failure" findings. I have also considered the trial transcript and evidence in this case and I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$500 within 30 days of this order for the violation charged in Citation No. 3178705.

Gary Melick  
Administrative Law Judge

Distribution:

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