

CCASE:  
SOL (MSHA) V. CONSOLIDATE COAL  
DDATE:  
19930326  
TTEXT:

March 26, 1993

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 92-814
Petitioner	:	A. C. No. 36-04281-03790
v.	:	
	:	Dilworth Mine
CONSOLIDATION COAL COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT  
ORDER TO PAY  
ORDER OF DISMISSAL

Appearances: Anita Eve Wright, Esq., Office of the Solicitor,  
U.S. Department of Labor, Philadelphia, Pennsylvania,  
for the Petitioner;  
Daniel E. Rogers, Esq., Consolidation Coal  
Company, Pittsburgh, Pennsylvania, for the  
Respondent.

Before: Judge Merlin

This matter was the subject of a calendar call on March 16, 1993. At that time, all the citations in this docket were discussed on the record.

Settlements were reached in five of the eleven violations in this case. These settlements were approved on the record pursuant to the requirements of section 110 of the Act. Four of the violations, Citation Nos. 3702400, 3690659, 3702375 and 3690660, were dismissed because they were previously contained in PENN 91-1462 and were incorrectly duplicated in this case. A partial settlement decision was issued on February 11, 1993, for Citation No. 3702372. Finally, the remaining violation which was not settled, Citation No. 3702203, is being removed from this docket, placed in a newly created docket and assigned for hearing on the merits. A separate order to that effect is being issued.

In accordance with the conclusions reached on the record at the calendar call, it is ORDERED that total settlements be APPROVED in the designated amount of \$599.

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It is further ORDERED that the operator PAY \$599 within 30 days of the date of this decision.

It is further ORDERED that Citations Nos. 3702400, 3690659, 3702375 and 3690660 be DISMISSED.

Paul Merlin  
Chief Administrative Law Judge

Distribution:

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