

CCASE:  
SOL (MSHA) V. DOUBLE "B" MINING  
DDATE:  
19930407  
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. SE 92-335
Petitioner	:	A. C. No. 40-02666-03580
v.	:	
	:	Docket No. SE 92-336
DOUBLE "B" MINING, INC.,	:	A. C. No. 40-02666-03581
Respondent	:	
	:	Mine No. 32

DECISION APPROVING SETTLEMENT

Appearances: Thomas A. Grooms, Esq., Office of the Solicitor,  
U. S. Department of Labor, Nashville, Tennessee,  
for the Secretary;  
LaDue Bouldin, President, Double "B" Mining  
Company, Inc., Tracy City, Tennessee, for  
Respondent.

Before: Judge Maurer

These cases are before me upon a petition for assessment of  
civil penalty under section 105(d) of the Federal Mine Safety and  
Health Act of 1977 (the Act). At the hearing, the parties  
jointly moved to settle these cases based primarily on the  
financial plight of the respondent on the following basis:

CITATION NO.	PROPOSED ASSESSMENT	PROPOSED SETTLEMENT
3396049	\$ 252	\$ 126
3396050	252	126
3396051	252	252
3396052	147	70
3369053	220	110
3396054	220	110
3396055	136	136
3396056	220	110
3396057	136	68
3396060	136	68
3396086	50	50
3396087	50	50
3396088	136	50
3396089	94	50

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3396090	136	68
3396091	220	110
3396092	220	110
3396093	94	50
3396094	94	50
3396095	136	68
3396097	136	68
3396098	136	68
3396099	136	68
3396100	220	110
3530612	220	110
3530262	220	110
3530263	220	220
3530264	220	220
3530265	136	68
3530266	220	220
3530267	136	68
3530268	220	220
TOTAL	5421	3382

I have considered the representations and documentation submitted in these cases, and I conclude that the proffered settlement is appropriate under the criteria set forth in section 110(i) of the Act.

WHEREFORE, the joint motion for approval of settlement is GRANTED, and it is ORDERED that respondent pay a total penalty of \$3382 within 30 days of this order.

Roy J. Maurer  
Administrative Law Judge

Distribution:

Thomas A. Grooms, Esq., Office of the Solicitor, U. S. Department of Labor, 2002 Richard Jones Road, Suite B-201, Nashville, TN 37215, (Certified Mail)

Mr. LaDue Bouldin, President, Double "B" Mining, Inc.,  
P. O. Box 280, Tracy City, TN 37387 (Certified Mail)

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