

CCASE:
SOL (MSHA) V. MANALAPAN MINING
DDATE:
19931208
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 93-666
Petitioner	:	A. C. No. 15-16318-03578
v.	:	
	:	Mine No. 6
MANALAPAN MINING COMPANY,	:	
INC.,	:	Docket No. KENT 93-670
Respondent	:	A. C. No. 15-05423-03731
	:	
	:	Docket No. KENT 93-671
	:	A. C. No. 15-05423-03735
	:	
	:	Mine No. 1
	:	
	:	Docket No. KENT 93-705
	:	A. C. No. 15-16733-03543
	:	
	:	Mine No. 7

DECISION APPROVING SETTLEMENT

Appearances: Joseph B. Luckett, Esq., Office of the Solicitor,
U. S. Department of Labor, Nashville, Tennessee,
for the Secretary;
Richard D. Cohelia, Safety Director, Manalapan,
Mining Company, Inc., Evarts, Kentucky, for
Respondent.

Before: Judge Maurer

These cases are before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). An evidentiary hearing in these matters was held on November 4, 1993, in London, Kentucky. At the conclusion of that hearing, the parties filed a motion to approve a settlement agreement and to dismiss these cases.

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The citations, initial assessments, and the proposed settlement amounts are as follows:

CITATION/ ORDER NO.	PROPOSED ASSESSMENT	PROPOSED SETTLEMENT
KENT 93-666		
4239039	\$ 793	\$ 520
4239040	690	690
4239181	690	690
4239182	690	100
KENT 93-670		
3000222	431	200
3000224	506	506
3164702	431	200
3146703	431	431
3164704	431	431
3164708	690	690
3164709	690	690
3164710	431	428
3164712	431	431
3164713	431	431
3164714	431	431
3164718	431	431
KENT 93-671		
3164648	903	900
3164650	903	900
4239362	309	100
4239363	903	900
KENT 93-705		
9885266	793	500
9885275	2173	1500
TOTAL	\$14,612	\$12,100

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

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WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that respondent pay a penalty of \$12,100 within 30 days of this order.

Roy J. Maurer
Administrative Law Judge

Distribution:

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