

CCASE:  
SOL (MSHA) V. REMP SAND & GRAVEL  
DDATE:  
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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 PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEST 93-295-M  
Petitioner : A.C. No. 24-01967-05505  
v. :  
: Crusher No. 3 Mine  
REMP SAND & GRAVEL, :  
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Barbour

Statement of the Proceeding

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 three alleged violations of certain mandatory safety standards found in Part 56, Title 30, Code of Federal Regulations. The Respondent filed a timely answer.

The parties now have decided to settle the matter, and the Secretary has filed a motion pursuant to Commission Rule 31, 29 C.F.R. 2700.31, seeking approval of the proposed settlement. The citations, initial assessments, and the proposed settlement amounts are as follows:

Citation No.	Date	30 C.F.R.	Assessment	Settlement
4122868	07-29-92	56.14107(a)	\$195	\$195
4122875	07-29-92	56.14107(a)	\$136	\$135
4122880	07-29-92	56.14130(a)(3)	\$ 84	\$ 84

The record contains information pertaining to the six statutory civil penalty criteria found in Section 110(i) of the Act, included information regarding Respondent's size, ability to continue in business and history of previous violations. In addition, the petitioner states respondent has paid in full the proposed penalties.

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CONCLUSION

After review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of this case, I find that full payment of the penalties assessed for the subject violations is warranted and that the settlement disposition is reasonable and in the public interest. Pursuant to 29 C.F.R. 2700.31, the motion IS GRANTED, and the settlement is APPROVED.

ORDER

This proceeding is DISMISSED.

David F. Barbour  
Administrative Law Judge

Distribution:

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