

CCASE:
SOL (MSHA) V. KINKAID STONE
DDATE:
19940829
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR
WASHINGTON, D.C. 2006
August 29,1994

SECRETARY OF LABOR : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) : Docket No. LAKE 92-199
Petitioner : A. C. No. 21-02647-05511
:
v. :
:
KINKAID STONE COMPANY, : Kinkaid Stone
Respondent :

DECISION APPROVING SETTLEMENT
ORDER TO PAY

Before: Judge Merlin

This case is before me pursuant to Order of the Commission dated February 23, 1994.

On March 8, 1994, I issued an order vacating the order of dismissal previously entered and reinstating this case. Upon a motion from the Secretary I determined that this matter had been dismissed in error because the penalty assessment did not involve excessive history. The parties were ordered to confer to determine if this case could be settled.

On August 11, 1994, the Solicitor filed a settlement motion for the one violation in this matter. The original assessed amount was \$50 and the proposed settlement is \$35. I have reviewed the documentation and representations made in this case, and 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 the operator PAY \$35 within 30 days of this decision.

Paul Merlin
Chief Administrative Law Judge

~1854

Distribution:

John H. Secaras, Esq., Regional Solicitor, Lisa R. Williams, Esq., Office of the Solicitor, U. S. Department of Labor, 230 South Dearborn Street, Chicago, IL 60604

Robert A. Cohen, Esq., Douglas N. White, Esq., Office of the Solicitor, U. S. Department of Labor, 4th Floor, 4015 Wilson Boulevard, Arlington, VA 22203

Mr. Kenneth L. Kraus, Quarry Superintendent, Mr. William Pautler, Manager, Kinkaid Stone Company, Rural Route 2, Box 102, Ava, IL 62907

Mr. Abe North, Int. Union Operating Engineers, Harrisburg, IL 62946

Richard G. High, Jr., Director, Office of Assessments, MSHA, U. S. Department of Labor, 4015 Wilson Boulevard, Arlington, VA 22203

/gl