

CCASE:
SOL (MSHA) V. MANALAPAN MINING
DDATE:
19940927
TTEXT:

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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 PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 94-136
Petitioner	:	A. C. No. 15-16733-03555
v.	:	
	:	Docket No. KENT 94-146
MANALAPAN MINING COMPANY,	:	A. C. No. 15-16733-03556
Respondent	:	
	:	Mine No. 7
	:	
	:	Docket No. KENT 94-145
	:	A. C. No. 15-16318-03586
	:	
	:	Docket No. KENT 94-415
	:	A. C. No. 15-16318-03588
	:	
	:	Docket No. KENT 94-439
	:	A. C. No. 15-16318-03589
	:	
	:	Mine No. 6
	:	
	:	Docket No. KENT 94-338
	:	A. C. No. 15-05423-03746
	:	
	:	Mine No. 1

DECISION APPROVING SETTLEMENT

Appearances: Joseph B. Luckett, Esq., Office of the Solicitor,
U. S. Department of Labor, Nashville, Tennessee,
for the Secretary;
Susan C. Lawson, Esq., Buttermore, Turner,
Lawson & Boggs, P.S.C., Harlan, Kentucky, 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). An evidentiary hearing in these matters was convened on July 26, 1994, in London, Kentucky. At 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 NO.	PROPOSED ASSESSMENT	PROPOSED SETTLEMENT
KENT 94-338		
4248498	\$ 903	\$ 903
4242272	903	50*
KENT 94-145		
9885316	2384	1962
4257751	690	690
4257752	690	50*
4257755	690	50*
4257756	690	50*
4257757	690	50*
4257758	690	50*
4039786	267	50
4039787	288	50
4039789	690	50*
4039790	690	50*
4039791	793	50*
KENT 94-415		
2793770	267	50
KENT 94-136		
4248460	309	309**
4248461	309	309**
4248463	506	506**
4248464	362	362**
4248465	362	362**
4248466	309	309**
KENT 94-146		
4248425	1100	1100
4040098	5800	3480
4248496	903	903
KENT 94-439		
3836067	8300	4150
TOTAL	\$29,585	\$15,945

* Citation modified to delete "S&S" special findings.

** Civil penalties already paid by respondent.

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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 motion for approval of settlement is GRANTED, and respondent having paid \$2157 of the penalty, it is ORDERED that it pay the remaining sum of \$13,788 within 30 days of this order.

Roy J. Maurer
Administrative Law Judge

Distribution:

Joseph B. Lockett, Esq., Office of the Solicitor,
U. S. Department of Labor, 2002 Richard Jones Road, Suite B-201,
Nashville, TN 37215

Richard D. Cohelia, Safety Director, Manalapan Mining Company,
Inc., P. O. Box 311, Brookside, KY 40801-0311

Susan C. Lawson, Esq., Buttermore, Turner, Lawson & Boggs,
P.S.C., 111 South First Street, P. O. Box 935, Harlan, KY 40831-
0935

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