

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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November 24, 2015

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
Petitioner

v.

NINE MILE MINING, INC.,
Respondent

CIVIL PENALTY PROCEEDING

Docket No. VA 2014-335
A.C. No. 44-07156-353502

Mine: #3

DECISION AND ORDER

Appearances: Paige I. Bernick, Esq., Office of the Solicitor, U.S. Department of Labor,
Nashville, Tennessee, for the Petitioner

James F. Bowman, Midway, West Virginia, for the Respondent

Before: Judge Rae

I. STATEMENT OF THE CASE

This case is before me upon a petition for assessment of a civil penalty filed by the Secretary of Labor (“the Secretary”) pursuant to section 105(d) of the Federal Mine Safety and Health Act of 1977, as amended, (“the Mine Act”), 30 U.S.C. § 815(d). At issue is a single order issued to mine operator Nine Mile Mining, Inc. (“Nine Mile”) under section 104(d)(1)¹ of the Mine Act for allegedly failing to adequately examine electric equipment. The Secretary proposes a penalty of \$2,000.00 for the violation.

A hearing was held in Bristol, Tennessee on July 21, 2015, at which time testimony was taken and documentary evidence was submitted. The parties also filed post-hearing briefs. I have reviewed all of the evidence at length and have cited to the testimony, exhibits and arguments I found critical to my analysis and ruling herein without including a detailed summary of the testimony given by each witness. Based upon the entire record and my observations of the demeanor of the witnesses, I uphold the order as written for the reasons set forth below.

¹ The issuance of a citation or order under section 104(d)(1) denotes that the alleged violation was caused by the mine operator’s “unwarrantable failure” to comply with a mandatory health or safety standard. 30 U.S.C. § 814(d)(1).

II. FACTUAL BACKGROUND

The parties have stipulated to the following facts:

1. Nine Mile is subject to the Mine Act and to the jurisdiction of the Federal Mine Safety and Health Review Commission.
2. The presiding Administrative Law Judge has the authority to hear this case and issue a decision.
3. Nine Mile has an effect upon commerce within the meaning of section 4 of the Mine Act.
4. Nine Mile operates Mine #3, Mine Identification Number 4407156.
5. Inspector Sammy Elswick was acting in his official capacity as an authorized representative of the Secretary when he issued Order Number 8180541.
6. Order Number 8180541 is complete, authentic, and admissible.
7. Order Number 8180538 is complete, authentic, and admissible.
8. On June 23, 2014, Order Number 8180538 became a final order.
9. Order Number 8180539 is complete, authentic, and admissible.
10. On June 23, 2014, Order Number 8180539 became a final order.
11. Inspector Sammy Elswick's notes from October 29-30, 2014 are complete, authentic, and admissible.
12. The R-17 violation history for Mine #3 is complete, authentic, and admissible.
13. Mine #3 produced 113,806 tons of coal in 2014, and had 101,032 hours worked in 2014.
14. Nine Mile abated the citations involved herein in a timely manner and in good faith.

Joint Exhibit 1; Tr. 6.²

The #3 mine is a relatively small underground coal mine located in Wise, Virginia. Tr. 76. MSHA Inspector Sammy Elswick³ visited the mine on October 29, 2013 to continue an ongoing regular inspection. Tr. 15-16. Nine Mile's chief electrician, Cillis Lankford, accompanied Elswick on the inspection. Tr. 16-17.

During the inspection, Elswick discovered several problems with the lights on a continuous mining machine and a roof bolting machine that were sitting idle but ready for service on the No. 2 section. Tr. 19-25, 56. These machines are equipped with spotlights that shine in the direction of operation and area lights that illuminate the surrounding area. Tr. 21. On the continuous miner, Elswick observed that a spotlight on top of the machine was askew and one of the two bolts holding it in place was hanging loose as if it were broken; a spotlight on the right side of the machine had one missing bolt and one bolt that was too long, which prevented

² In this decision, the abbreviation "Tr." refers to the transcript of the hearing. The Secretary's exhibits are numbered S-1 to S-5. The Respondent did not submit any exhibits at the hearing.

³ Elswick spent about twenty years working as a preparation plant foreman and surface miner before he was hired by MSHA in June 2012. To become a coal mine inspector for MSHA, he attended MSHA's Mine Academy in Beckley, West Virginia and completed field training that included accompanying experienced inspectors as they carried out inspections of underground mines. Elswick received his Authorized Representative card in May 2013 and graduated from the Mine Academy in October 2013 before he issued the violations referenced in this decision. The #3 mine was the first mine he inspected by himself. Tr. 11-14, 40-43.

the bolt from holding the light tightly to the frame of the machine; and an area light that was supposed to be fastened flush against the side of the machine was gapped open and hanging down because both of its bolts were loose. Tr. 20-21, 55-56. On the roof bolter, the globe over one of the area lights was broken, exposing the bare bulb; a spotlight on the operator side of the machine was loose and hanging down; and a spotlight mounted between the two drill heads was loose and hanging because one of its bolts was missing and the other was too long. Tr. 23-24, 54. Based on his observations, Inspector Elswick issued two unwarrantable failure orders, Order Number 8180538 and Order Number 8180539, alleging violations of the mandatory safety standard at 30 C.F.R. § 75.503. Exs. S-2, S-3. The cited standard requires electric face equipment to be maintained in permissible condition.⁴ Nine Mile did not challenge the two permissibility violations, and ultimately they became final orders. The conditions were abated by bolting the loose lights securely in place and replacing the broken globe. Exs. S-2, S-3.

After issuing the two permissibility violations, Inspector Elswick returned to the surface and reviewed the records in the mine office to see when the continuous miner and roof bolter had last been examined pursuant to 30 C.F.R. § 75.512, which requires electric equipment to be frequently checked for unsafe operating conditions. Tr. 25. Each machine had undergone an electrical examination during the October 24, 2013 evening shift immediately after being idled due to the mine running out of roof bolts. Tr. 18-19, 26. No hazards were recorded for either machine. Tr. 26. Production at the mine had not yet resumed by the time of the October 29 inspection, although miners had remained onsite to perform “dead work” such as rock dusting and setting timbers; as a result, the roof bolter had not been run since being examined on October 24 and the continuous miner had been run for just a few hours since then. Tr. 18-19, 25-26, 50. Inspector Elswick believed the permissibility hazards he had identified on the machines could not have developed after they were examined and therefore informed Lankford that he planned to issue a violation for failure to adequately examine the equipment. Tr. 26-27.

The next day, after further discussing the matter with his supervisor, Elswick returned to the mine and issued Order Number 8180541 alleging a violation of § 75.512 for failure to conduct adequate electrical exams of the continuous miner and roof bolter. Tr. 27, 64-65; Ex. S-1. The order was terminated later that day after the machines had been adequately examined. Tr. 27-28; Exs. S-1, S-2, S-3.

III. LEGAL PRINCIPLES

A. Gravity

The gravity of a violation is generally expressed as the degree of seriousness of the violation. *Hubb Corp.*, 22 FMSHRC 606, 609 (May 2000); *Consolidation Coal Co.*, 18 FMSHRC 1541, 1549 (Sept. 1996). The Secretary measures gravity in terms of the likelihood of injury, the type of injury expected, the number of persons affected, and whether the violation is

⁴ “Permissible” is a term of art used within the mining industry to describe equipment whose electrical parts are designed, constructed, and installed in accordance with specifications set forth by the Secretary that are intended to minimize the risk that the equipment will cause a mine explosion, fire, or other accident. See 30 C.F.R. § 75.2 (defining “permissible”), § 18.46 (setting forth permissibility requirements for headlights on electric motor-driven equipment).

significant and substantial (S&S). The focus of the gravity inquiry “is not necessarily on the reasonable likelihood of serious injury, which is the focus of the S&S inquiry, but rather on the effect of the hazard if it occurs.” *Consolidation Coal Co.*, 18 FMSHRC at 1550; *see also Harlan Cumberland Coal Co.*, 12 FMSHRC 134, 140-41 (Jan. 1990) (ALJ) (explaining that some violations are serious notwithstanding the likelihood of injury, such as a violation of an important safety standard; a violation demonstrating recidivism or defiance on the operator’s part; or a violation that could combine with other conditions to set the stage for disaster).

B. Negligence/Unwarrantable Failure

Negligence is conduct that falls below the standard of care established under the Mine Act. Under the Mine Act, an operator is held to a high standard of care and is required to be on the alert for conditions and practices that may cause injuries and to take necessary precautions to prevent or correct them. 30 C.F.R. § 10.0(d). High negligence is defined by the Secretary as having occurred in connection with a violation when “[t]he operator knew or should have known of the violative condition or practice, and there were no mitigating circumstances.” *Id.* § 100.3, Table X.

More serious consequences can be imposed under the Mine Act for violations that result from the operator’s unwarrantable failure to comply with mandatory health or safety standards. The unwarrantable failure terminology is taken from section 104(d) of the Mine Act, 30 U.S.C. § 814(d), and refers to more serious conduct by an operator in connection with a violation. The Commission has determined that unwarrantable failure is aggravated conduct constituting more than ordinary negligence. *Emery Mining Corp.*, 9 FMSHRC 1997, 2001-04 (Dec. 1987). Unwarrantable failure is characterized by such conduct as “reckless disregard,” “intentional misconduct,” “indifference,” or a “serious lack of reasonable care.” *Id.* at 2003-04; *Rochester & Pittsburgh Coal Co.*, 13 FMSHRC 189, 193-94 (Feb. 1991); *Buck Creek Coal, Inc. v. FMSHRC*, 52 F.3d 133, 136 (7th Cir. 1995).

Whether conduct is “aggravated” in the context of unwarrantable failure is determined by looking at all the facts and circumstances of each case to see if any aggravating factors or mitigating circumstances exist. These factors often include (1) the extent of the violative condition, (2) the length of time the violative condition existed, (3) whether the violation posed a high degree of danger, (4) whether the violation was obvious, (5) the operator’s knowledge of the existence of the violation, (6) the operator’s efforts in abating the violative condition, and (7) whether the operator had been placed on notice prior to the issuance of the violation that greater efforts were necessary for compliance. *Wolf Run Mining Co.*, 35 FMSHRC 3512, 3520 (Dec. 2013); *see Lopke Quarries, Inc.*, 23 FMSHRC 705, 711 (July 2011). Because supervisors are held to a high standard of care, another important factor supporting an unwarrantable failure determination is the involvement of a supervisor in the violation. *Lopke Quarries*, 23 FMSHRC at 711.

The factors listed above must be viewed in the context of the factual circumstances of a particular violation, and it is not necessary to find that all factors are relevant or deserving of equal weight in order to determine that the violation is unwarrantable. *Wolf Run*, 35 FMSHRC at 3520-21; *E. Associated Coal Corp.*, 32 FMSHRC 1189, 1193 (Oct. 2010); *IO Coal Co.*, 31

FMSHRC 1346, 1351 (Dec. 2009). However, all factors that are relevant should be considered. *San Juan Coal Co.*, 29 FMSHRC 125, 129 (Mar. 2007).

IV. FINDINGS OF FACT AND ANALYSIS

A. The Violation

Order Number 8180541 alleges that Nine Mile violated the mandatory safety standard at 30 C.F.R. § 75.512. Ex. S-1. The cited regulation states:

All electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

30 C.F.R. § 75.512; *see also* 30 U.S.C. § 865(g).

In this case, potentially dangerous conditions existed on the continuous miner and roof bolter that were not recorded or addressed when the machines were examined on October 24, 2013 in that five of the lights on the equipment were loose and the globe for one light was broken.

Nine Mile's witness, Lankford, asserted that the lights are mounted on rubber bushings that allow them to move freely, which merely creates a false appearance of looseness. Tr. 86-87. However, Inspector Elswick countered that most of the lights he cited were spotlights, which are bolted directly to the frame of the machine. Tr. 96-98. Lankford also claimed that "everything was tight and everything was permissible" on the equipment at the time of the inspection. Tr. 81. This self-serving assertion is contradicted by the fact that Nine Mile accepted the two permissibility violations Elswick issued for the loose lights and abated those violations by bolting the lights more securely to the equipment. Exs. S-2, S-3. I accept Inspector Elswick's credible testimony that the lights were loose and reject Lankford's statements to the contrary.

I also agree with Inspector Elswick's assessment that the conditions he cited on October 29 had existed at the time the equipment was examined on October 24. The roof bolter had not been run since it was examined and the continuous miner had been run for just a few hours afterward. Tr. 25-26, 50. It is highly unlikely that the cited lights were jostled loose during this time period or that the globe on the roof bolter somehow became broken while the machine was sitting idle.

The cited conditions should have been recorded and addressed during the October 24 electrical exams because, contrary to Nine Mile's assertions, the conditions were potentially dangerous. Although Nine Mile argues that a certified electrical examiner would not have realized that a reportable hazard existed, loose lights on face equipment have long been accepted as a permissibility hazard. *See, e.g., Consolidation Coal Co.*, 15 FMSHRC 1264, 1276-77 (June

1993) (ALJ); *U.S. Steel Mining Co.*, 6 FMSHRC 722, 729 (Mar. 1984) (ALJ). The Secretary's specifications for underground electric equipment include a requirement that lights be constructed as explosion-proof enclosures and be mounted to provide illumination where it will be most effective. 30 C.F.R. § 18.46. The loose lights cited by Elswick were crooked and hanging from the miner and roof bolter, which created a potential hazard by preventing the lights from providing illumination in the intended direction. Tr. 30, 60. More significantly, the broken globe and the operator's failure to keep the lights bolted down tightly created a permissibility hazard in that the lights' electrical components were no longer safely sealed within explosion-proof enclosures fastened securely to the surface of the machines so as to isolate potential sparks from the mine atmosphere. As Elswick explained, a loose light could create a spark by striking the metal frame of the machine, could be pulled loose from its ground, or could incur damage to its conduits, packing glands, or enclosures, giving rise to a risk of an ignition that could trigger a fire or explosion. Tr. 32, 60-61, 67-71.

Because potentially dangerous conditions existed on the roof bolter and continuous miner that were not properly recorded and addressed during the October 24 electrical examinations, I find that a violation of § 75.512 occurred.

B. Gravity

Inspector Elswick assessed this violation as capable of causing a "lost workdays or restricted duty" type of injury to one miner, but he characterized the probability of injury as "unlikely" and marked the violation non-S&S. Ex. S-1. He explained that the operator of the roof bolter or continuous miner would likely receive burn injuries if the loose and damaged lights were to spark and cause an ignition, but this was unlikely to occur because there were no immediate ignition sources and the mine was not gassy. Tr. 31-32, 59-64, 66-69, 75.

Accepting Elswick's assessment that an injury-causing event was unlikely, permissibility violations on a roof bolter and continuous miner nonetheless pose a serious risk because these machines are used at the face where methane is liberated and rock dust is created, providing an opportunity for combustion or an explosion if sparking occurs. I find that this was a serious violation because it could have exposed the equipment operators to serious burn injuries.

C. Negligence and Unwarrantable Failure

Parties' Positions

Inspector Elswick charged Nine Mile with high negligence and issued this violation as an unwarrantable failure to comply with § 75.512. Ex. S-1. He believed that the potentially dangerous conditions on the roof bolter and continuous miner would have taken a lengthy amount of time to develop, were obvious, and should have been noticed not only by the certified electrical examiners who checked the equipment on October 24, but also by the section foremen who would have regularly traveled through the area to perform preshift and onshift exams between October 24 and October 29. Tr. 33-37. In addition, the violation marked the sixth time this mine had been cited for violating § 75.512 in the most recent eight inspections. Tr. 37-38, 75-76.

Nine Mile argues that it did not act negligently in connection with this violation. Nine Mile contends the cited condition was not extensive, lasted for a short duration, and posed no danger. Nine Mile further takes the position that its employees could not have known and were not on prior notice from MSHA that loose lights on electric face equipment constitute a permissibility violation. Resp.'s Post-Hr'g Br. 11-12.

Duration of Violation

As discussed above, the potentially dangerous conditions Inspector Elswick noted during his October 29 inspection – loose lights and a broken globe on a roof bolter and continuous miner – had existed since before the equipment was idled on October 24. The globe was likely broken while the roof bolter was in use and the bolts that should have been holding the lights securely in place on both machines were likely loosened by the vibration of the equipment as it was operating. Tr. 38-39. In addition, some of the bolts were loose because they were too long, a condition that necessarily must have existed since they were installed. Tr. 38, 71. Thus, the hazardous conditions on the roof bolter and continuous miner had existed for at least five days, during which time the operator had failed to conduct an adequate electrical examination.

Obviousness of Violation; Extensiveness of Violation

The hazardous conditions cited by Inspector Elswick were very obvious: the globe was completely broken on one of the cited lights, exposing the bare bulb, and the other lights were visibly gapped open, hanging from the equipment, and not pointing in the correct direction. Tr. 20-24, 34, 35, 71. In view of these conditions, the inadequacy of the October 24 examinations of the cited equipment was equally obvious. The violation was also extensive in that it involved six different lights on two pieces of equipment.

Operator's Knowledge of Violation

The operator's knowledge of a violation is both a factor affecting the unwarrantable failure analysis and a prerequisite for an MSHA inspector to make a finding of high negligence under 30 C.F.R. § 100.3. Knowledge is established where the operator knew or should have known of the violation. *See Coal River Mining, LLC*, 32 FMSHRC 82, 90-92 (Feb. 2010).

I find that Nine Mile had knowledge of this violation. The potentially dangerous conditions on the continuous miner and roof bolter were obvious and existed for at least five days. The equipment was checked on October 24 by certified electrical examiners, who are agents of the operator with specialized training and who should have noticed the loose and damaged lights. Tr. 37, 46-48. Although the working section where the equipment was located was idled from October 24 to October 29, miners remained onsite to perform dead work. Tr. 18. Thus, the area would have been subjected to regular preshift and onshift exams during which the loose and damaged lights should have been noticed. In addition, as discussed above, some of the bolts holding the lights in place were the wrong size, which must have been known to whomever installed them.

Nine Mile's representative suggested at hearing that the operator could not have been reasonably expected to recognize a hazard under the circumstances presented and elicited testimony from Lankford that electricians are not trained that loose bolts on light fixtures constitute a permissibility violation. Tr. 83. However, immediately after agreeing that loose bolts on lights (which are required to be housed within permissible explosion-proof enclosures) are not a permissibility violation, Lankford offered the incongruous opinion that loose bolts on permissible electrical enclosures do constitute a reportable permissibility violation and a maintenance issue and should be tightened down. Tr. 83-84. I reject Nine Mile's argument that it was unaware that loose and damaged lights constitute a permissibility hazard that must be reported and addressed.

Operator's Notice that Greater Efforts at Compliance Were Necessary

An operator's history of past similar violations or other specific warnings from MSHA is relevant to the extent the past violations and warnings placed the operator on notice prior to the issuance of the citation that greater efforts were necessary for compliance with the cited safety standard. *See Dawes Rigging & Crane Rental*, 36 FMSHRC 3075, 3080-81 n.5 (Dec. 2014).

Nine Mile denies being placed on notice that greater compliance efforts were needed to address the specific hazardous condition at issue here: loose and damaged lights on permissible face equipment. Tr. 84; Resp.'s Post-Hr'g Br. 12. Although this particular issue may not have arisen in the past, the mine had been cited for failure to conduct adequate electrical examinations during five of the last seven inspections. Tr. 29, 36, 75-77. This should have placed Nine Mile's management, and particularly its electrical examiners, on notice that greater efforts were needed to comply with § 75.512 by thoroughly and adequately examining the mine's electric equipment.

Operator's Abatement Efforts

The abatement effort factor measures an operator's response to violative conditions that it knew or should have known about before the violation was issued. *Enlow Fork Mining Co.*, 19 FMSHRC 5, 17 (Jan. 1997). Also relevant is the level of priority the operator has placed on abating conditions for which it received prior notice that greater compliance efforts were necessary. *IO Coal Co.*, 31 FMSHRC 1346, 1356 (Dec. 2009). Abatement efforts undertaken after the issuance of the violation are not relevant. *Id.*

In this case, Nine Mile knew that inadequate electrical examinations of the roof bolter and continuous miner were conducted on October 24. This violation could have been abated by reporting the loose and damaged lights on another examination, fixing them, or tagging the continuous miner and roof bolter out of service. Nine Mile had ample time to address the conditions while production was idled, yet made no effort to abate the violation in the five days that elapsed before Inspector Elswick cited it.

Degree of Danger Posed

Although permissibility violations on face equipment present serious risks, I find that the degree of danger was not unusually high in this case given that the Secretary has conceded the

low probability of an injury-causing event and that the cited equipment was not in use during the five days after the inadequate electrical exams were conducted.

Conclusions

After considering the factors discussed above and all the facts surrounding this violation, I find that Nine Mile engaged in aggravated conduct amounting to more than ordinary negligence by failing to correct obvious, known permissibility violations on two pieces of electric equipment for at least five days during which miners were performing “dead work” and therefore would have had ample time to fix the hazardous conditions. Although the conditions did not pose a high degree of danger under the particular circumstances of this case, permissibility violations on face equipment pose a serious risk and should never be taken lightly. Nine Mile’s conduct in allowing the conditions to go uncorrected during a required electrical exam and to remain unaddressed for five days while the mine was idle, considered in conjunction with the mine’s history of violating § 75.512 in almost every recent inspection, reveals an attitude on the part of mine management that these examinations are not particularly important. I find that the operator’s conduct constituted an unwarrantable failure to comply with § 75.512.

The negligence associated with this violation is high because Nine Mile knew of this violation, failed to abate it, and has not identified any mitigating factors.

V. PENALTIES

The Secretary proposes a civil penalty of \$2,000.00 for this violation, which is the minimum penalty amount the Mine Act permits for 104(d)(1) violations. *See* 30 U.S.C. § 820(a)(3)(A). The Commission has reiterated in *Mize Granite Quarries, Inc.*, 34 FMSHRC 1760, 1763-64 (Aug. 2012):

Section 110(i) of the Mine Act grants the Commission the authority to assess all civil penalties provided under the Act. 30 U.S.C. § 820(i). It further directs that the Commission, in determining penalty amounts, shall consider:

The operator’s history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, whether the operator was negligent, the effect on the operator’s ability to continue in business, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation.

30 U.S.C. § 820(i).

The Commission and its ALJs are not bound by the penalties proposed by the Secretary, nor are they governed by MSHA’s Part 100 regulations, although substantial deviations from the proposed penalties must be explained using the section 110(i) criteria. *See Sellersburg Stone Co.*, 5 FMSHRC 287, 293 (Mar. 1983). In addition to considering the 110(i) criteria, the judge must provide a sufficient factual basis upon which the Commission can perform its review function. *See Martin Co. Coal Corp.*, 28 FMSHRC 247 (May 2006).

Violation History

The Secretary has submitted an MSHA document showing Nine Mile's history of violations at three different mines during the fifteen months preceding the issuance of Order Number 8180541. Ex. S-5. The document is devoid of any qualitative or comparative analysis that would allow me to assess the operator's overall violation history. However, I take note of Inspector Elswick's testimony that Nine Mile had been cited for violations of § 75.512 during five of the preceding seven inspections. Tr. 29, 36, 75-77.

Size of Operator; Ability to Continue in Business

The parties have not submitted information regarding the operator's size. Inspector Elswick testified that the mine itself is "fairly small," with just two working sections and approximately eighty employees. Tr. 76. The parties stipulated to the mine's tonnage, which corresponds to a small- to moderate-sized mine under MSHA's penalty formula. See Joint Exhibit 1; 30 C.F.R. § 100.3, Table I. Nine Mile has not alleged or presented any evidence that a minimally assessed \$2,000.00 penalty would affect its ability to remain in business.

Good Faith

Although Exhibit A to the Secretary's penalty petition does not reflect that the operator was credited with good faith in abating the violation, Elswick's testimony indicates the conditions he cited were promptly corrected in good faith. Tr. 27-28, 38.

Negligence and Gravity

The negligence and gravity are discussed in the body of my decision above.

Conclusion

After considering the six statutory penalty criteria, I assess a penalty of \$2,000.00 for this violation.

ORDER

Nine Mile Mining, Inc. is hereby **ORDERED** to pay the sum of \$2,000.00 within thirty (30) days of the date of this Decision and Order.⁵



Priscilla M. Rae
Administrative Law Judge

⁵ Payment should be sent to: Mine Safety and Health Administration, U.S. Department of Labor, Payment Office, P.O. Box 790390, St. Louis, MO 63179-0390.

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