

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
1331 Pennsylvania Avenue, NW, Suite 520N
Washington, DC 20004

MAY 11 2016

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

CIVIL PENALTY PROCEEDING

Docket No. VA 2015-285

v.

DOMINION COAL CORPORATION,
Respondent.

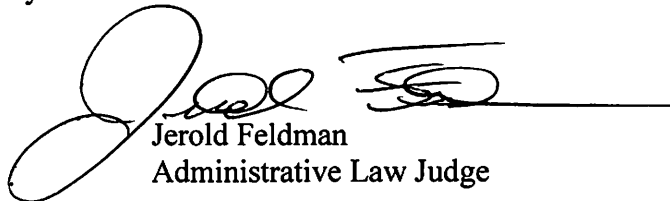
Mine: Dominion No. 7
Mine ID: 44-06499

ORDER APPROVING SETTLEMENT
AND
ORDER TO PAY

Before: Judge Feldman

This proceeding is before me based upon a petition for assessment of civil penalty filed pursuant to section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). 30 U.S.C. § 815(d). The Secretary proposed a civil penalty of \$12,500.00 on July 24, 2015, following a determination in Docket No. VA 2014-233 that Dominion Coal Corp. (“Dominion”) violated the anti-discrimination provisions of section 105(c) of the Act. This finding of liability was predicated on Dominion’s reduction in the pay of Scott G. McGlothlin after he had initiated the application process for Part 90 protection available to miners suffering from pneumoconiosis. *McGlothlin v. Dominion Coal Corp.*, 37 FMSHRC 1256 (June 2015) (ALJ). The Commission, in essence, affirmed the finding of Dominion’s liability for violation of section 105(c) of the Act. 38 FMSHRC ___, slip op. (Mar. 30, 2016). Dominion now represents that it has agreed to withdraw its contest of the proposed penalty and pay the \$12,500.00 civil penalty proposed by the Secretary.

I have considered the representations and documentation submitted in this matter and I conclude that the proffered settlement terms are appropriate under the criteria set forth in Section 110(i) of the Act. Accordingly, Dominion Coal Corp. **IS ORDERED** to pay the proposed \$12,500.00 civil penalty within 30 days of the date of this Order.¹ Upon receipt of timely payment, the captioned civil penalty matter **IS DISMISSED**.


Jerold Feldman
Administrative Law Judge

¹ Payment should be sent to the Mine Safety and Health Administration, U.S. Department of Labor, Payment Office, P.O. Box 790390, St. Louis, MO 63179-0390. Please include the Docket No. and A.C. No. noted in the above caption on the check.

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