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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
1331 PENNSYLVANIA AVE., N.W., SUITE 520N
WASHINGTON, DC 20004-1710
TELEPHONE: 202-434-9958 / FAX: 202-434-9949

APR 14 2014

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 2008-1265
A.C. No. 46-04168-151760

v.

WOLF RUN MINING CO.,
Respondent

Mine: Sentinel

DECISION ON REMAND APPROVING SETTLEMENT
ORDER TO MODIFY
ORDER TO PAY

Before: Judge Barbour

This case is before me upon a petition for assessment of a civil penalty filed under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(d). The Solicitor has filed a motion to approve settlement. A reduction in the penalty from \$142,900.00 to \$70,000.00 is proposed. The Solicitor also requests that Order No. 6605922 be modified to remove the flagrant designation.

I have considered the representations and documentation submitted in this case, 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.

It is ORDERED that Order No. 6605922 be MODIFIED to remove the flagrant designation.

It is further ORDERED that the operator pay a penalty of \$70,000.00 within thirty days of this order.1

1 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


David F. Barbour
Administrative Law Judge

Distribution:

Linda M. Henry, Esq., Office of the Solicitor, US DOL, The Curtis Center, Suite 630E, 170 S. Independence Mall West, Philadelphia, PA 19106-3306

R. Henry Moore, Esq., Jackson Kelly, PLLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, PA 15222

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