

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

September 16, 1997

SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Petitioner	:	CIVIL PENALTY PROCEEDINGS
v.	:	
	:	Docket No. CENT 95-210-M
	:	A.C. No. 41-03813-05508
	:	
	:	Docket No. CENT 95-211-M
NORTON CRUSHED STONE, Respondent	:	A.C. No. 41-03813-05509
	:	
	:	Norton Development
	:	
SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Petitioner	:	CIVIL PENALTY PROCEEDING
v.	:	
	:	Docket No. CENT 97-49-M
	:	A.C. No. 41-03813-05512 A
	:	
	:	
MARVIN D. CARLISLE, employed by NORTON CRUSHED STONE, Respondent	:	Norton Development
	:	
	:	
	:	
SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Petitioner	:	CIVIL PENALTY PROCEEDING
v.	:	
	:	Docket No. CENT 97-50-M
	:	A.C. No. 41-03856-05506 A
	:	
	:	
MARVIN D. CARLISLE, employed by NORTON CRUSHED STONE, Respondent	:	Tull Pit
	:	
	:	

DECISION

Appearances: Robert A. Goldberg, Esq., Mary K. Schopmeyer, Esq., Office of the Solicitor,
U.S. Department of Labor, Dallas, Texas, on behalf of the Complainant;
Hugh E. Hackney, Esq., Fulbright & Jaworski, Dallas, Texas, for the Respondents.

Before: Judge Weisberger

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) and 110(c) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner has filed a motion to approve settlement agreement and to dismiss the cases. A reduction in total penalties from \$48,306 to \$22,153 is proposed. 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 it is **ORDERED** that Tom E. Norton Jr., on behalf of Norton Crushed Stone, the Respondent operator, and on behalf of Marvin D. Carlisle, the agent of the operator, shall pay a total penalty of \$22,153 as follows:

1. \$2,017 is to be paid within 30 days of this decision.
2. An installment payment of \$839 shall be paid by August 22, 1997, and remaining installments of \$839 each shall be paid on or before the same day of each successive month until all 23 remaining installments have been paid.

Avram Weisberger
Administrative Law Judge

Distribution:

Robert A. Goldberg, Esq., Office of the Solicitor, U.S.
Department of Labor, 525 S. Griffin Street, Suite 501, Dallas, TX
75202 (Certified Mail)

Hugh E. Hackney, Esq., Fulbright & Jaworski, L.L.P., 2200 Ross
Avenue, Suite 2800, Dallas, TX 75201 (Certified Mail)

/lt