

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

October 2, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 95-244-M
Petitioner	:	A.C. No. 31-00198-05535A
v.	:	
	:	Docket No. SE 95-245-M
RICHARD DALE MILLER and,	:	A.C. No. 31-00198-05536A
JON LEE STEVENS, employed by	:	
VULCAN MATERIALS CO.,	:	Rockingham Mine
Respondent	:	
	:	
SECRETARY OF LABOR,	:	Docket No. SE 94-605-M
MINE SAFETY AND HEALTH	:	A.C. No. 31-00198-05531
ADMINISTRATION (MSHA),	:	
Petitioner	:	
v.	:	Rockingham Mine
	:	
VULCAN MATERIALS COMPANY,	:	
Respondent	:	

DECISION

Appearances: Leslie John Rodriguez, Esq., Office of the Solicitor, U.S. Department of Labor, Atlanta, Georgia, for the Petitioner;
William K. Doran, Esq., Smith, Heenan & Althen, Washington, D.C., for the Respondent.

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Sections 105(d) and 110(c) of the Federal Mine Safety and Health Act of 1977 (the Act). At hearings Petitioner filed a motion to approve a settlement agreement proposing to vacate the charges in Docket Nos. SE 95-244-M and SE 95-245-M and to increase the penalty in Docket No. SE 94-605-M from \$4,000 to \$6,500. I have considered the representations and documentation submitted in these cases and I conclude that the proffered settlement is acceptable under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is **GRANTED**. Case Docket Nos. SE 95-244-M and SE 95-245-M are accordingly vacated and in case Docket No. 94-605-M it is **ORDERED** that Respondent pay a penalty of \$6,500 within 30 days of this order.

Gary Melick
Administrative Law Judge
703-756-6261

Distribution:

Leslie John Rodriguez, Esq., Office of the Solicitor, U.S. Dept. of Labor, 1371 Peachtree Street, N.E., Room 339, Atlanta, GA 30367 (Certified Mail)

William K. Doran, Esq., Smith, Heenan & Althen, 1110 Vermont Ave., N.W., Suite 400, Washington, D.C. 20005 (Certified Mail)

\jf