

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

August 15, 2001

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. VA 2001-10-M
Petitioner	:	A.C. No. 44-06803-05515
v.	:	
	:	Adco Land Corp. No. 1
VIRGINIA SLATE COMPANY,	:	
Respondent	:	

DECISION

Appearances: Samuel Waters, Conference and Litigation Representative, Warrendale, Pennsylvania and James Brooks Crawford, Esq., U.S. Department of Labor, Arlington, Virginia for Petitioner;
V. Cassel Adamson, Jr., Esq., Adamson and Adamson, Richmond, Virginia, for Respondent.

Before: Judge Bulluck

This case is before me upon a Petition for Assessment of Penalty filed by the Secretary of Labor, through the Mine Safety and Health Administration ("MSHA"), against Virginia Slate Company, pursuant to section 105(d) of the Federal Mine Safety and Health Act of 1977 ("the Act"), 30 U.S.C. § 815. The Petition seeks a civil penalty of \$600.00 for an alleged violation of section 56.9315, 30 U.S.C. § 56.9315.

A hearing on the merits was convened in Henrico County, Virginia. Prior to convening the hearing, the parties negotiated a settlement whereby Respondent agreed to pay \$150.00 based on the fact that the mine has been permanently abandoned and Respondent does not intend to resume operations in the future. The settlement agreement was approved on the record, pending filing of the written agreement, and that determination is hereby confirmed.

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.

ORDER

The settlement is appropriate and in the public interest. **WHEREFORE**, the motion for approval of settlement is **GRANTED**, it is **ORDERED** that the Respondent **PAY** a penalty of \$150.00 within 30 days of this decision. Upon receipt of payment, this case is **DISMISSED**.

Jacqueline R. Bulluck
Administrative Law Judge

Distribution:

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