

CCASE:
MSHA V. BRADY'S BEND
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
WASHINGTON, DC
October 7, 1980

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

v. Docket No. PENN 79-70-M

BRADY'S BEND CORPORATION

ORDER

On May 19, 1980, the administrative law judge issued a decision and order that constituted his final disposition of these proceedings. The judge approved the parties' proposed penalty settlements with respect to some of the involved citations. As to the remainder of the citations, he disapproved the proposed settlements and assessed higher penalties. In letters to the judge dated June 5th and June 23rd, the mine operator protested those assessments higher than the proposed settlement amounts and tendered further factual information as to those citations. On July 10th, the judge requested leave from the Commission under Rule 65(c), 29 CFR 2700.65(c), to issue a new decision approving the entire settlement originally proposed by the parties.

Commission Rule 65(c) permits the correction of "clerical mistakes and errors arising from oversight or omission in decisions, orders or other parts of the record." The judge's request does not identify any clerical mistake or error to be corrected and none appears from the record. Instead, the judge seeks leave to issue a new decision based upon his consideration of additional information. Commission Rule 65(c) was not intended for this purpose. Accordingly, the judge's request is denied.

