

CCASE:
SOL (MSHA) v. OLD BEN COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

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

v.

OLD BEN COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. LAKE 91-59
A.C. No. 11-00590-03815

Mine 26

ORDER APPROVING PARTIAL SETTLEMENT

Before: Judge Weisberger

This case is before me upon a petition for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner has filed a motion to approve a partial settlement agreement. A reduction in penalty from \$440 to \$180 is proposed. On June 25, 1991, a hearing was held on this Motion.

I have considered the representatives 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 partial settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$180 within 30 days of this order.

Avram Weisberger
Administrative Law Judge