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SOL (MSHA) v. RED ARROW GOLD
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
The Federal Building
Room 280, 1244 Speer Boulevard
Denver, Co 80204

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

CIVIL PENALTY PROCEEDING
Docket No. WEST 90-215-M
A.C. No. 05-04228-05504

v.
RED ARROW GOLD CORPORATION,
RESPONDENT

Red Arrow Mine

DECISION APPROVING SETTLEMENT

Before: Judge Cetti

This case is before me upon a petition for assessment of a civil penalty under 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. Petitioner has filed a motion to approve a settlement agreement and to dismiss the case.

Petitioner states that based upon documentation submitted to Petitioner, Respondent's financial situation is such that the operator's ability to remain in business would be affected by the penalty amounts originally assessed by the Petitioner. I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that the motion for approval of settlement is GRANTED and Respondent shall pay to the Secretary of Labor, the approved penalty of \$300 which will be payable in three (3) installments of \$100 each with the first installment to be paid on or before August 12, 1991, the second on or before September 12, 1991, and the last on or before October 12, 1991.

August F. Cetti
Administrative Law Judge