CCASE: SOL (MSHA) V. WOLFGANG BROTHERS COAL DDATE: 19790524 TTEXT: Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.) Office of Administrative Law Judges

SECRETARY OF LABOR,	Civil Penalty Proceeding
MINE SAFETY AND HEALTH	
ADMINISTRATION (MSHA),	Docket No. WILK 78-327-P
PETITIONER	A.O. No. 36-05689-02004

v.

WOLFGANG BROTHERS COAL CO., RESPONDENT

DECISION AND ORDER APPROVING SETTLEMENT

Diamond Slope Mine

Based on my independent evaluation and de novo review of the circumstances and data furnished under the Secretary's motion to approve settlement, (FOOTNOTE 1) I conclude that a reduction in the amount of each penalty from \$49.00 to \$30.00 is fully justified and in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion be, and hereby is, GRANTED and the operator pay the agreed upon penalty of \$60.00 on or before Monday, June 25, 1979. It is FURTHER ORDERED that subject to payment the captioned petition be DISMISSED.

Joseph B. Kennedy Administrative Law Judge ÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄ FOOTNOTES START HERE ~FOOTNOTE_ONE 1 Counsel for the Secretary is to be commended for the

conscientious professionalism exhibited in the model motion filed on behalf of the Secretary in this matter.

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