

CCASE:  
SOL (MSHA) V. KELMINE CORP.  
DDATE:  
19800612  
TTEXT:

~1397

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

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

CIVIL PENALTY

DOCKET NO. WEST 79-392-M

v.

ASSESSMENT CONTROL NO. 05-03031-05002

KELMINE CORPORATION,

MINE: C-JD-7

RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances:

Ann M. Noble, Esq., Office of the Solicitor, United States  
Department of Labor, 1585 Federal Building, 1961 Stout Street,  
Denver, Colorado 80294

Melvin R. Swanson, Mine Superintendent, Kelmene Corporation,  
4901 York Street, Denver, Colorado 80216

Before: Judge John J. Morris

At a hearing held on May 19 and 20, 1980, the parties moved  
for an order approving a settlement agreement. They proposed  
that the recommended penalty be reduced from \$48 to \$24.

The facts and documentation presented at the hearing and  
contained in the file give due consideration to the criteria  
required to be examined in assessing a penalty, 30 U.S.C.  
820(i). Having analyzed this criteria, I approve the settlement  
agreement.

Respondent is directed to pay the agreed amount within 30  
days of the date of this order.

John J. Morris  
Administrative Law Judge