

CCASE:
SOL (MSHA) v. M & J COAL
DDATE:
19850510
TTEXT:

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

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

v.

M & J COAL COMPANY, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. KENT 84-83
A.C. No. 15-13286-03514

Docket No. KENT 84-84
A.C. No. 15-13286-03515

No. 1 Mine, Shelbiana

APPEARANCES: William F. Taylor, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for Petitioner;
Michael Fleet Johnson, Esq., Webster, Clark and
Johnson, Pikeville, Kentucky, for Respondent.

DECISION APPROVING SETTLEMENT

Before: Judge Melick

These cases are before me upon petitions for assessments 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 settlement agreement and to dismiss the cases based on the financial condition of the mine operator. In Docket No. KENT 84-83, a reduction in penalty from \$1,601 to \$801 is proposed. In Docket No. KENT 84-84, a reduction in penalty from \$324 to \$162 is proposed. I have considered the representations and documentation submitted in these cases, 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 settlement is GRANTED, and it is ORDERED that Respondent pay the following penalties within 30 days of this order:

Docket No.	KENT 84-83	--\$801
Docket No.	KENT 84-84	--\$162

Gary Melick
Administrative Law Judge