

CCASE:
SOL (MSHA) v. K C & D MINING
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.

K C & D MINING CO., INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. WEVA 84-246
A.C. No. 46-06222-03530

Coalburg No. 1 Mine

DECISION APPROVING SETTLEMENT

Before: Judge Melick

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's first motion to approve a settlement agreement was denied by the undersigned on the grounds that "full disclosure" of all financial data had apparently not been made. Petitioner has filed a motion for reconsideration and has submitted documentation indicating that full disclosure of relevant financial data has in fact been made. A reduction in penalty from \$534 to \$150 has been proposed. I have reconsidered the representations and documentation submitted in this case, and I now 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 a penalty of \$150 within 30 days of this order. The hearings scheduled in this case for May 21, 1985, are accordingly cancelled.

Gary Melick
Administrative Law Judge