

CCASE:
SOL (MSHA) v. PEABODY COAL
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TTEXT:

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

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

CIVIL PENALTY PROCEEDINGS

Docket No. WEST 85-28
A.C. No. 02-01195-03513

v.

Docket No. WEST 85-40
A.C. No. 02-01195-03514

PEABODY COAL COMPANY,
RESPONDENT

Docket No. WEST 85-57
A.C. No. 02-01195-03516

Kayenta Surface Mine

DECISION APPROVING SETTLEMENT

Before: Judge Carlson

The respondent's motion for consolidation of these three cases is hereby granted.

The parties have submitted an amended settlement agreement through which they seek to settle all issues. Specifically, the parties agree that respondent shall pay the full \$20 penalty originally proposed by the petitioner for each of the nine citations, and they move jointly for dismissal of these proceedings

Based upon the representations of the parties and the contents of the files, I conclude that the settlement agreement should be approved.

Accordingly, the settlement agreement is approved in all respects, and the motions of the parties are granted. Respondent shall therefore pay a total of \$180.00 in civil penalties within 30 days of this decision. These proceedings are dismissed.

SO ORDERED.

John A. Carlson
Administrative Law Judge