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SOL (MSHA) V. JIM WALTER RESOURCES INC.
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. SE 84-23
A.C. No. 01-00758-03569

v.

No. 3 Mine

JIM WALTER RESOURCES, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

This case is before me pursuant to the Commission's Order of Remand dated April 29, 1985 which directed further proceedings and findings as to whether the conditions cited constituted a violation of the subject safeguard.

On May 6, 1985, I ordered the parties to submit briefs on or before June 8, 1985 with respect to whether or not the admitted conditions constituted a violation. The operator now advises that it and the Solicitor have agreed to a settlement in the amount of \$119 which is the originally assessed amount. Accordingly, I find the conditions constituted a violation and APPROVE the recommended settlement.

The operator is ordered to pay \$119 within 30 days from the date of this decision.

Paul Merlin
Chief Administrative Law Judge