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SOL (MSHA) v. J & K TRUCKKING
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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

v.

J & K TRUCKING,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. KENT 85-123
A.C. No. 15-13937-03501 E7L

No. 4 Surface Mine

DECISION APPROVING SETTLEMENT

Appearances: Mary Sue Ray, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for Petitioner;
Leon L. Hollon, Esq., Hollon, Hollon & Hollon,
Hazard, Kentucky, for Respondent.

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). At hearing the parties filed a joint motion to approve a settlement agreement and to dismiss the case. Respondent has agreed to pay the proposed penalty of \$68 in full. In connection with that motion a complete "Report of Investigation" by MSHA was also filed. I have considered the representations and documentation submitted in this case, 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 a penalty of \$68 within 30 days of this order.

Gary Melick
Administrative Law Judge