

CCASE:
SOL (MSHA) V. GREENVILLE QUARRIES
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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. KENT 85-160-M
A.O. No. 15-00034-05506

v.

Greenville Quarry and Mill

GREENVILLE QUARRIES, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: William F. Taylor, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, TN for
Petitioner,
Rees Kinney, Esq., Jarvis, Payton and Kinney,
Greenville, KY for Respondent

Before: Judge Maurer

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). Subsequent to their opening statements at the hearing on December 6, 1985 at Nashville, Tennessee, the parties jointly moved for approval of a settlement agreement and dismissal of the case. The violations in this case were originally assessed at a total of \$1600 and the parties propose to reduce the penalty to a total of \$800. 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 a settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$800 within 30 days of this decision. Upon payment, these proceedings are DISMISSED.

Roy J. Maurer
Administrative Law Judge