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SOL (MSHA) V. FOUR H COAL
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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 PROCEEDINGS

Docket No. KENT 85-205
A.C. No. 15-03120-03520

v.

Mine No. IE68, Orkney

FOUR H COAL COMPANY, INC.,
RESPONDENT

DECISION

Appearances: Carole M. Fernandez, Esq., Office of the
Solicitor, U.S. Department of Labor, Nashville,
Tennessee, for Petitioner;
Mr. J. Byron Hamilton, Operator, McDowell,
Kentucky, for Respondent

Before: Judge Kennedy

These matters came on for a decision after hearing in
Hazard, Kentucky, on May 21, 1986. At that time, the parties
proposed settlement of the two violations charged by payment of
the following penalties:

CITATION/ORDER	AMOUNT
2467260	\$ 50.00
2467346	500.00
	\$550.00

Based on an independent evaluation and de novo review
of the circumstances, as proffered in the parties' prehearing
submissions and in the evidence adduced at the hearing, the trial
judge found the settlement proposed was in accord with the
purposes and policy of the Act.

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Accordingly, it is ORDERED that the settlement be, and hereby is, APPROVED. It is FURTHER ORDERED that the operator pay the amount of the settlement agreed upon, \$550, within 60 days from the date of issuance of this order and that subject to payment the captioned matter be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge