

CCASE:
SOL (MSHA) V. K C MINING
DDATE:
19861009
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 PROCEEDING

Docket No. SE 86-62
A.C. No. 40-02876-03503

v.

No. 1 Mine

K C MINING COMPANY,
RESPONDENT

DECISION

Appearances: Mary Sue Ray, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for Petitioner;
Archie Ketchersid, Whitwell, Tennessee, for
Respondent.

Before: Judge Maurer

This case is before me upon a petition for assessment of a civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). On the record at the hearing on September 18, 1986, at Nashville, Tennessee, the parties jointly moved for approval of a settlement agreement and dismissal of the case. The violation in this case was originally assessed at \$478 and the respondent has agreed to remit the full amount in installments of \$150, commencing on October 1, 1986, with a second \$150 installment on November 1, 1986, a third on December 1, 1986, and a final payment of \$28 on January 1, 1987.

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 \$478 as set out above. Upon payment in full, this proceeding is DISMISSED.

Roy J. Maurer
Administrative Law Judge