

CCASE:  
SOL (MSHA) V. TRIPLE MINING  
DDATE:  
19870528  
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 PROCEEDINGS

Docket No. KENT 87-44  
A.C. No. 15-13508-03515

v.

Docket No. KENT 87-45  
A.C. No. 15-13508-03516

TRIPLE ELKHORN MINING  
COMPANY,  
RESPONDENT

No. 2 Surface Mine

DECISION APPROVING SETTLEMENT

Appearances: Carl W. Gerig, Jr., Esq., Office of the Solicitor,  
U.S. Department of Labor, Nashville, Tennessee, for  
the Petitioner;  
Mr. Travis E. Miller, President, Triple Elkhorn  
Mining Company, Harold, Kentucky, for the Respondent.

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). At hearing, Petitioner filed motions to approve settlement agreements and to dismiss these cases. A reduction in penalties from \$1,866 to \$1,500 was proposed. I have considered the representations and documentation submitted, and I conclude that the proffered settlements are 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 penalties of \$1,500 within 30 days of this order.

Gary Melick  
Administrative Law Judge