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SOL (MSHA) V. SOUTHERN OHIO COAL  
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. WEVA 89-81  
A.C. No. 46-03805-3886

v.

Martinka No. 1 Mine

SOUTHERN OHIO COAL CO.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Mark Malecki, Esq., Office of the Solicitor,  
U.S. Department of Labor, Arlington, Virginia,  
for the Secretary; Rebecca J. Zuleski, Esq.,  
Furbee, Amos, Webb & Critchfield, Morgantown,  
West Virginia, for SOCCO.

Before: Judge Broderick

The above case was called for hearing in Morgantown, West Virginia, on August 22, 1989. The Secretary moved on the record for approval of a settlement agreed to between the parties. The docket contains a single alleged violation originally assessed at \$311. The parties propose to reduce the penalty to \$50. Counsel for the Secretary stated that the gravity of the violation, and the operator's negligence were less than originally believed. I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$50 within 30 days of the date of this order.

James A. Broderick  
Administrative Law Judge