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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. CENT 89-27-M
A.C. No. 23-00746-05512

v.

Sullivan Plant

K. R. WILSON CONTRACTING, INC.
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Oscar Hampton, Esq., Office of the Solicitor,
U.S. Department of Labor, Kansas City, Missouri,
for Petitioner;
Frederick H. Schwetye, Esq., Union, Missouri, for
Respondent.

Before: Judge Melick

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). At hearings Petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$2,719 to \$2,634 was proposed. 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 settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$2,634 within 30 days of this order.

Gary Melick
Administrative Law Judge
(703) 756-6261