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SOL (MSHA) V. KENNETH WILSON  
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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 89-126-M  
A.C. No. 23-00746-05516-A

v.

Sullivan Plant

KENNETH R. WILSON, EMPLOYED BY  
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 110(c) 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 \$1,600 to \$1,100 was proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate under the relevant 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 \$900 within 30 days of this order.

Gary Melick  
Administrative Law Judge  
(703) 756-6261