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SOL (MSHA) V. BOB SHERMAN
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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. WEST 90-110-M
A.C. No. 04-04663-05509

v.

Evening Star Mine

BOB SHERMAN, EMPLOYED BY
BLACKHAWK,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Morris

This is a civil penalty proceeding initiated by the petitioner against respondent, in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalty sought here is for the violation of a mandatory standard promulgated pursuant to the Act.

Prior to a hearing, the parties filed a motion seeking approval of a proposed settlement.

Citation 3462951 alleges a violation of 30 C.F.R. 57,6250. An original assessment of \$250 was proposed. The parties now seek a decision affirming the citation and assessing a penalty of \$25.

In support of their motion to approve the settlement, the parties have submitted information relating to the statutory criteria required for assessing civil penalties as contained in 30 U.S.C. 820(i).

I have reviewed the proposed settlement and I find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. Citation 3462951 and the amended civil penalty of \$25 are AFFIRMED.

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2. Respondent is ordered to pay the sum of \$25 within 30 days of the date of this decision.

John J. Morris
Administrative Law Judge