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SOL (MSHA) V. W.J. MENEFEE CONSTRUCTION
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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 90-109-M
A.C. No. 23-00762-05507

v.

Dresden Farm Quarry

W.J. MENEFEER CONSTRUCTION CO.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearance: Evert H. Van Wijk, Esq., U.S. Department of Labor,
Office of the Solicitor, Kansas City, Missouri,
for the Petitioner.

Before: Judge Maurer

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 the hearing, petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$315 to \$187 is 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 \$187 within 30 days of this order, if it has not already done so.

Roy J. Maurer
Administrative Law Judge