

CCASE:
SOL (MSHA) V. BEECH FORK PROCESSING
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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. KENT 90-87
A.C. No. 15-16162-03542

v.

Docket No. KENT 90-88
A.C. No. 15-16162-03525

BEECH FORK PROCESSING, INC.,
RESPONDENT

Docket No. KENT 90-89
A.C. No. 15-16162-03526

Beech Fork Mine No. 1

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On November 9, 1990, the parties filed a Joint Motion for approval of a settlement reached by the parties in these cases. The violations were originally assessed at \$10,123 and the parties propose to settle for \$8000.

The penalties for the twenty violations in Docket No. KENT 90-87, the agreement proposes to reduce from \$5704 to \$4288; the penalties for the fourteen violations in Docket No. KENT 90-88 from \$3315 to \$2608; for the penalties for the five violations in Docket No. KENT 90-89, originally assessed at \$1104, the parties agree that the amount originally assessed will be paid.

The settlement is based on Respondent's inability to pay the amounts originally assessed. The motion states that Respondent is suffering financial difficulties, and might be forced to cease operation if it were required to pay the full penalties.

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 \$8000 as follows:

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\$1000 on December 1, 1990, and \$1000 per month thereafter until the \$8000 is paid in its entirety.

James A. Broderick
Administrative Law Judge