

CCASE:  
SOL (MSHA) v. J & R COAL  
DDATE:  
19910404  
TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
2 Skyline, 10th Floor  
5230 Leesburg Pike  
Falls Church, Virginia 22041

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

v.

J & R COAL COMPANY, INC.,  
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 90-363  
A.C. No. 15-16646-03504

Docket No. KENT 91-31  
A.C. No. 15-16646-03506

Mine No. 2

DECISION APPROVING SETTLEMENT

Appearances: Joseph B. Luckett, Esq., U.S. Department of Labor,  
Office of the Solicitor, Nashville, Tennessee, for  
the Petitioner;  
Mr. Roger Bentley, President, J & R Coal Company,  
Inc., Kite, Kentucky, for the Respondent.

Before: Judge Maurer

These cases are 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, after all the testimony was in the record, the parties jointly moved to settle these cases. A reduction in penalty from \$2558 to \$2265 was proposed. I have considered the representations and documentation submitted in these cases, 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 \$2265 within 30 days of this order. Upon payment in full, these cases are dismissed.

Roy J. Maurer  
Administrative Law Judge