

CCASE:
SOL (MSHA) v. PEABODY COAL
DDATE:
19910610
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

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

v.

PEABODY COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 91-101
A. C. No. 15-14074-03573

Martwick Underground

Docket No. KENT 91-131
A.C. No. 15-02705-03701

Camp No. 2 Mine

DECISION APPROVING SETTLEMENT

Appearances: W. F. Taylor, Esq., Office of the Solicitor, U.S.
Department of Labor, Nashville, Tennessee, for the
Petitioner;
David R. Joest, Esq., Midwest Division Counsel,
Peabody Coal Company, Henderson, Kentucky, for the
Respondent.

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under section 105(d) 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 these cases. A modification of Citation No. 3416556 to delete the "significant and substantial" findings and a reduction in penalty from \$545 to \$378 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 \$378 within 30 days of this order.

Gary Melick
Administrative Law Judge