

CCASE:
SOL (MSHA) v. CONSOLIDATION COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
5203 Leesburg Pike
Falls Church, Virginia 22041

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 91-181
A. C. No. 46-01452-03770

v.

Arkwright No. 1 Mine

CONSOLIDATION COAL COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances:

Charles M. Jackson, Esq., U. S. Department of Labor, Office of the Solicitor, Arlington, Virginia, for the Petitioner;
Walter J. Scheller III, Esq., Pittsburgh, Pennsylvania, for the Respondent.

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, the parties jointly moved to settle this case. A reduction in penalty from \$953 to \$783 was 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 \$783 within 30 days of this order. Upon payment in full, this case is DISMISSED.

Roy J. Maurer
Administrative Law Judge