

CCASE:
SOL (MSHA) v. R B COAL
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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.

R B COAL COMPANY, INCORPORATED,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. KENT 91-193
A.C. No. 15-13362-03582

Mine No. 3

DECISION APPROVING SETTLEMENT

Appearances: Mary Sue Taylor, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for the Petitioner;
Susan C. Lawson, Esq., Forester, Buttermore,
Turner & Lawson, P.S.C., Harlan, Kentucky, for the
Respondent.

Before: Judge Melick

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 hearings, Petitioner filed a
motion to approve a settlement agreement and to dismiss the case.
A reduction in penalty from \$300 to \$100 was proposed and
Respondent noted that he would in the future send all of his dust
samples by certified mail. 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 \$100 within 30
days of this order.

Gary Melick
Administrative Law Judge