

CCASE:
SOL (MSHA) v. OLD BEN COAL
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19920110
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.

OLD BEN COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. LAKE 91-725
A.C. No. 11-00590-03846

Mine No. 26

DECISION APPROVING SETTLEMENT

Appearances: Rafael Alvarez, Esq., U.S. Department of Labor,
Office of the Solicitor, Chicago, Illinois,
for Petitioner;
Gregory S. Keltner, Esq., Old Ben Coal Company,
Fairview Heights, Illinois, for Respondent.

Before: Judge Weisberger

It is ORDERED that this case be severed from Docket Nos. LAKE 91-416 and LAKE 91-720. 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). On December 16, 1991, subsequent to a hearing on the merits on another matter, Petitioner made to approve settlement agreement and to dismiss the cases. A reduction in penalty from \$500 to \$250 is 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 penalties of \$250 within 30 days of this order.

Avram Weisberger
Administrative Law Judge