

CCASE:
SOL (MSHA) v. ZEIGLER
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Church, Virginia 22041
Falls Church, Virginia 22041

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

v.

ZEIGLER COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. LAKE 92-15
A. C. No. 11-00586-03659

Murdock Mine

DECISION APPROVING SETTLEMENT

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

Before: Judge Weisberger

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 concerning another matter, Petitioner made a motion, on the record, to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$500 to \$100 is 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 \$100 within 30 days of this order.

Avram Weisberger
Administrative Law Judge