

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

February 21, 1992

SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Petitioner	:	CIVIL PENALTY PROCEEDING
v.	:	Docket No. KENT 91-1285
T & H COAL COMPANY, INC., Respondent	:	A. C. No. 15-13880-03543 D
	:	No. 7 Mine

DECISION APPROVING PENALTY  
ORDER OF DISMISSAL

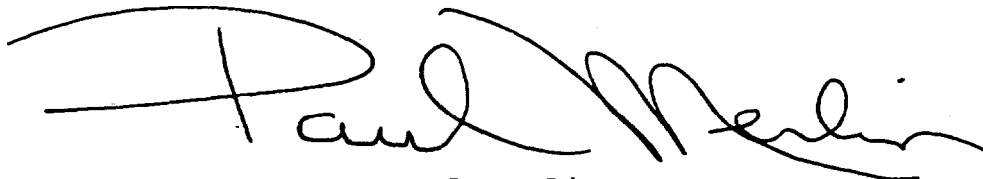
Before: Judge Merlin

The operator has filed a letter advising that it is withdrawing its contest in the above-captioned case and paying the proposed penalty. The Mine Safety and Health Administration has informed the Commission that the penalty has been paid.

Citation No. 9859056 was issued as a 104(a) citation for an alleged violation of 30 C.F.R § 70.209(b). According to the Secretary, the respirable dust samples submitted to MSHA were invalid because respirable dust had been intentionally removed from the samples before they were submitted to MSHA.

I have reviewed the citation in light of the six statutory criteria set forth in section 110(i) of the Act, 30 U.S.C. § 820(i), and find that the penalty assessed is in accordance with the provisions of the Act.

Accordingly, I approve the \$1,100 penalty assessment in this case and the operator having paid, this case is DISMISSED.



Paul Merlin  
Chief Administrative Law Judge

Distribution:

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