

CCASE:
MSHA V. CONSOLIDATION COAL
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEVA 91-1600
Petitioner : A.C. No. 46-01453-03960
v. :
 : Humphrey No. 7 Mine
CONSOLIDATION COAL COMPANY, :
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Caryl L. Casden, Esq., U.S. Department of Labor,
Office of the Solicitor, Arlington, Virginia,
for Petitioner;
Walter J. Scheller III, Esq., Consolidation Coal
Company, Pittsburgh, Pennsylvania for
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 hearing Petitioner sought to vacate Citation No. 3316065 for insufficient evidence and filed a motion to approve a settlement agreement as to the remaining citations. A reduction in penalty from \$2,638 to \$2,510 has been 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 \$2,510 within 30 days of this order.

Gary Melick
Administrative Law Judge

Distribution:

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