

CCASE:  
MSHA V. YERINGTON LEASING  
DDATE:  
19920326  
TTEXT:

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. LAKE 91-119-M
Petitioner	:	A.C. No. 20-02849-05501
v.	:	
	:	Aggregate Pit
YERINGTON LEASING COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Appearances: Susan J. Bissegger, Esq., Office of the Solicitor, U.S. Department of Labor, Chicago, Illinois, for the Petitioner;  
 Mr. John S. Yerington III, President, Yerington Leasing Company, St. Joseph, Michigan, 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). Following hearings, Petitioner filed a motion to approve a settlement agreement and to dismiss the case. Petitioner now moves to vacate Citation Nos. 3618778, 3618779 and 3618780 for insufficient evidence and Respondent agrees to pay the proposed penalty for the remaining citations of \$80 in full. 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 \$80 within 30 days of this order.

Gary Melick  
 Administrative Law Judge