

CCASE:
MSHA V. HELEN MINING
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. PENN 92-73
Petitioner : A.C. No. 36-00926-03905
v. :
: Homer City Mine
HELEN MINING COMPANY, :
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Richard W. Rosenblitt, Esq., Office of the
Solicitor, U.S. Department of Labor, Philadelphia,
Pennsylvania, for the Petitioner;
Ronald B. Johnson, Esq., Volk, Frankovitch,
Anetakis, Recht, Robertson & Hellerstedt,
Wheeling, West Virginia, 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). At hearing the parties filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$1,300 to \$600 was proposed. I have considered the representations and documentation submitted in this case at hearing, 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 \$600 within 30 days of this order.

Gary Melick
Administrative Law Judge