

CCASE:  
SOL (MSHA) v. GREFCO  
DDATE:  
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TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
The Federal Building  
Room 280, 1244 Speer Boulevard  
Denver, CO 80204

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

CIVIL PENALTY PROCEEDING

Docket No. CENT 91-176-M  
A.C. No. 29-01433-05523

v.

Grefco Plant and Quarry

GREFCO, INCORPORATED,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Morris

This is a civil penalty proceeding initiated by Petitioner against Respondent pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalty sought here is for the violation of a mandatory regulation promulgated pursuant to the Act.

Prior to a hearing, the parties filed a motion and agreed that the "significant and substantial" allegations be stricken. The parties further submitted information relating to the statutory criteris for assessing civil penalties as contained in 30 U.S.C. 820(i).

In addition, the parties agreed to settle Citation No. 3448926, originally assessed for \$192, for the sum of \$20.

I have reviewed the settlement and I find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement is APPROVED.
2. Citation No. 3448926 and the amended penalty are AFFIRMED.

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3. Respondent is ORDERED TO PAY to the Secretary of Labor the sum of \$20 within 40 days of the date of this decision.

4. The hearing scheduled in Denver, Colorado, for May 22, 1992, is CANCELED.

John J. Morris  
Administrative Law Judge