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SOL (MSHA) V. R & N COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 SKYLINE, 10TH FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

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

v.

R & N COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. PENN 91-1320
A. C. No. 36-02105-03521

Docket No. PENN 92-140
A. C. No. 36-02105-03523

Split Vein Breaker Mine

DECISION APPROVING SETTLEMENT

Before: Judge Maurer

These cases are before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. Petitioner has filed a motion to approve a negotiated settlement between the parties and to dismiss these cases. In light of the respondent's dire financial situation, the Secretary has proposed a 90 percent reduction in penalty with respect to each violation and further proposed that payment of the penalties be made in 6 monthly installments.

R & N Coal Company at this point has no employees with its only source of income being rental income of \$3250 per month.

I have considered the Secretary's representations and the financial data submitted and I conclude that the proffered settlement is consistent with the criteria in section 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that the motion for approval of settlement IS GRANTED and respondent shall pay a total penalty of \$4350. The first payment of \$725 is due within 90 days of this order and five additional payments of \$725 are to be made no more than 30 days from the previous one until payment is made in full. Upon payment in full, these cases ARE DISMISSED.

Roy J. Maurer
Administrative Law Judge