

CCASE:
SOL (MSHA) V. MEADOR ENERGY
DDATE:
19920922
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 92-743
A.C. No. 46-07522-03544

v.

Mine No. 1

MEADOR ENERGY, INCORPORATED,
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Javier I. Romanach, Esq., Office of the
Solicitor, U.S. Department of Labor,
Arlington, Virginia, for the Petitioner;
H. Gerard Kelley, Esq., Shuman, Annand
and Poe, Charleston, 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 hearings, Petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$2,208 to \$1,908 was proposed. I have considered the representations and documentation submitted in this case, including the testimony of MSHA Inspector Douglas Smith, 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 \$1,908 within 30 days of this order.

Gary Melick
Administrative Law Judge