

CCASE:
MSHA V. CARDER INC.
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEST 92-350-M
Petitioner : A.C. No. 05-04117-05507
v. :
: Screening Operation #2
CARDER INCORPORATED, :
Respondent :

ORDER VACATING DEFAULT
DECISION APPROVING SETTLEMENT
ORDER TO MODIFY
ORDER TO PAY

Before: Judge Merlin

This case is before me pursuant to Order of the Commission dated October 29, 1992.

Upon review of the file, I find that relief from the default is warranted.

The Solicitor has filed a motion to approve settlements. A reduction in the penalty from \$691 to \$359 is proposed. The Solicitor also requests that Citation Nos. 3451187, 3451188, 3451191, and 3451194 be modified to delete the significant and substantial designation and to reduce the possibility of injury to unlikely. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlements are appropriate under the criteria set forth in section 110(i) of the Act.

In light of the foregoing, it is ORDERED that the default dated September 29, 1992, be and is hereby VACATED.

It is further ORDERED that the motion for approval of settlements be GRANTED.

It is further ORDERED that Citation Nos. 3451187, 3451188, 3451191, and 3451194 be modified to delete the significant and substantial designation and to reduce the possibility of injury to unlikely.

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It is further ORDERED that the operator pay a penalty of \$359 within 30 days of the date of this decision.

Paul Merlin
Chief Administrative Law Judge

Distribution: By Certified Mail

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