

CCASE:  
MSHA V. PEABODY COAL  
DDATE:  
19921109  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 92-1013
Petitioner	:	A. C. No. 15-02709-03766
v.	:	
	:	Camp No. 1 Mine
PEABODY COAL COMPANY,	:	
Respondent	:	

DECISION

Appearances: W. F. Taylor, Esq., U.S. Department of Labor,  
Office of the Solicitor, Nashville, Tennessee,  
for Petitioner;  
David R. Joest, Esq., Peabody Coal Company,  
Henderson, Kentucky, for Respondent.

Before: Judge Weisberger

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). Pursuant to notice, the case was scheduled for hearing on September 2, 1992. On that date, prior to going on the record, counsel indicated that they had just settled this matter. On October 9, 1992, Petitioner filed a motion to approve a settlement agreement and to dismiss this case. Respondent has agreed to pay the proposed penalty of \$1,700 in full. I have considered the representations and documentation submitted in this case, 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 \$1,700 within 30 days of this order.

Avram Weisberger  
Administrative Law Judge

~1825

Distribution:

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