

CCASE:
MSHA V. AMBROSE BRANCH COAL
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| SECRETARY OF LABOR, |) | PENALTY PROCEEDING |
| MINE SAFETY AND HEALTH |) | |
| ADMINISTRATION (MSHA), |) | Master Docket No. 91-1 |
| Petitioner |) | Docket No. VA 91-453 |
| v. |) | A.C. No. 44-05265-03526D |
| |) | |
| AMBROSE BRANCH COAL COMPANY, |) | Prep Plant No. 1 Mine |
| Respondent |) | |

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On November 30, 1992, the Secretary filed a motion to approve a settlement between the parties in the above case. The case includes one alleged violation of 30 C.F.R. 70.209(b), each of which was originally assessed at \$1,000. The Secretary continued to assert that the violations resulted from a deliberate act, which is denied by the mine operator. The degree of negligence is disputed, and the parties agree to the reduction in the total penalties from \$1,000 to \$750.

I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement motion is APPROVED. The operator is ordered to pay within 30 days of the date of this order the sum of \$750 for the violations charged in these proceedings.

James A. Broderick
Administrative Law Judge

Distribution:

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