

CCASE:  
MSHA V. DIXIE MINING  
DDATE:  
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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,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. VA 92-129
Petitioner	:	A. C. No. 44-06533-03534
v.	:	
	:	Mine No. 1
DIXIE MINING COMPANY, INC.,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Appearances: Javier I. Romanach, Esq., Office of the Solicitor,  
U. S. Department of Labor, Arlington, Virginia, for  
the Secretary;  
Sam Blankenship, President, Dixie Mining Company,  
Inc., Bristol, Virginia, for Respondent.

Before: Judge Maurer

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 hearing, on November 24, 1992, in Abingdon, Virginia, after the completion of testimony, the parties made a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$500 to \$150 was proposed. I have considered the representations, documentation and trial testimony submitted in this case, and I conclude that the proffered settlement is appropriate under the criteria set forth in section 110(i) of the Mine Act.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ordered that respondent pay a civil penalty of \$150 within 30 days of this order.

Roy J. Maurer  
Administrative Law Judge

Distribution:

Javier I. Romanach, Esq., Office of the Solicitor, U. S.  
Department of Labor, 4015 Wilson Boulevard, Room 516, Arlington,  
VA 22203, (Certified Mail)

Mr. Sam Blankenship, President, Dixie Mining Company, Inc.,  
P. O. Box 909, Bristol, VA 24203 (Certified Mail)

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