

CCASE:  
MSHA V. LUCKY BRANCH COAL  
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. KENT 92-231  
Petitioner : A.C. No. 15-14533-03542  
v. :  
: Docket No. KENT 92-535  
LUCKY BRANCH COAL CO., INC., : A.C. No. 15-14533-03543  
Respondent :  
: Mine No. 4

DECISION APPROVING SETTLEMENT

Appearances: Thomas A. Grooms, Esquire, Office of the  
Solicitor, U.S. Department of Labor,  
Nashville, Tennessee, for Petitioner;  
Don Hogg, Vice-President, Whitesburg,  
Kentucky, for Respondent

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). During hearings, the parties filed a motion to approve settlement and to dismiss the cases. A reduction in penalty from \$1,145 to \$850 is proposed. I have considered the representations and documentation submitted in these cases, 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 \$850 within 30 days of this order.

Gary Melick  
Administrative Law Judge  
703-756-6261

Distribution:

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