

CCASE:
SOL (MSHA) V. FRED JONES (CHRISTIAN ENERGIES)
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. KENT 92-415
Petitioner	:	A. C. No. 15-16448-03562 A
v.	:	
	:	Christian Energies No. 2
FRED JONES, EMP. BY CHRISTIAN	:	Mine
ENERGIES, INC.,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Appearances: J. Philip Smith, Esq., Office of the Solicitor,
U. S. Department of Labor, Arlington, Virginia,
for the Secretary;
Mr. Fred Jones, Williamsburg, Kentucky, pro se.

Before: Judge Maurer

This case is before me upon a petition for assessment of civil penalty under section 110(c) of the Federal Mine Safety and Health Act of 1977 (the Act). At hearing, on January 27, 1993, in London, Kentucky, petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$11,400 to \$2800 was proposed because of the limited financial resources of the respondent. I have considered the representations and documentation submitted in this case, including the representations on the record at hearing, 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 \$2800 in 14 equal monthly installments of \$200 each, beginning within 30 days of the date of this order, and continuing until paid in full.

Roy J. Maurer
Administrative Law Judge

Distribution:

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Mr. Fred Jones, 3707 Lot Mud Creek Road, Williamsburg, KY 40769 (Certified Mail)

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