

CCASE:
SOL (MSHA) V. ONEIDA COAL
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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. WEVA 92-986
Petitioner : A.C. No. 46-05243-03624
v. :
ONEIDA COAL COMPANY, INC., : Oneida No. 1 Mine
Respondent :

DECISION

Appearances: Glenn M. Loos, Esquire, Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Petitioner;
W. Henry Lawrence, Esquire, Steptoe and Johnson,
Charleston, West Virginia for Respondent

Before: Judge Melick

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 hearings, Petitioner filed a motion to approve settlement agreement and to dismiss the case. Respondent has agreed to pay the proposed penalty of \$10,020 in full. I have considered the representations and documentation submitted in this case, including the addendum to the settlement agreement attached hereto as an appendix, 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 \$10,020 within 30 days of this order.

Gary Melick
Administrative Law Judge
703-756-6261

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Distribution:

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