

CCASE:  
SOL (MSHA) V. WILGAR LAND COMPANY  
DDATE:  
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TTEXT:

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 PROCEEDINGS  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. KENT 92-919  
Petitioner : A.C. No. 15-10396-03557  
v. :  
: Docket No. KENT 92-920  
WILGAR LAND COMPANY, INC., : A.C. No. 15-10396-03558  
Respondent :  
: No. 3 Mine

DECISION APPROVING SETTLEMENT

Appearances: Mary Sue Taylor, Esquire, Office of the  
Solicitor, U.S. Department of Labor,  
Nashville, Tennessee, for Petitioner;  
Barry Johns, Wilgar Land Company, Inc.,  
Robinson Creek, 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). At hearings, the parties filed a motion to approve settlement agreement and to dismiss the cases. A reduction in penalty from \$2,755 to \$1,000 was proposed. I have considered the representations and documentation submitted in these cases, and I conclude that the proffered settlement is consistent with the criteria 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 \$1,000 in equal monthly installments commencing on September 1, 1993, and continuing on the first day of each month thereafter until fully paid.

Gary Melick  
Administrative Law Judge

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Distribution:

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