

CCASE:  
SOL (MSHA) V. ASH TRUCKING 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 PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. KENT 93-227  
Petitioner : A.C. No. 15-06702-03554  
v. :  
 : M-2 Mine  
ASH TRUCKING COMPANY, INC., :  
Respondent :

DECISION

Appearances: Donna E. Sonner, Esquire, Office of the  
Solicitor, U.S. Department of Labor, Nashville,  
Tennessee, for Petitioner;  
Rodney E. Buttermore, Jr., Esquire, Buttermore,  
Turner, Lawson and Boggs, Harlan, Kentucky,  
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 hearing, Petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$16,800 to \$12,200 was proposed. I have considered the representations and documentation submitted in this case, 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 \$12,200 in three equal installments -- the first installment due 90 days from the date of this order and the remaining installments 30 days and 60 days thereafter.

Gary Melick  
Administrative Law Judge

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Distribution:

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