

CCASE:
SOL (MASHA) V. COBRA MINING
DDATE:
19940214
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 93-895
Petitioner	:	A.C. No. 15-17018-03510
v.	:	
	:	No. 1 Surface Mine
	:	
COBRA MINING INCORPORATED,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Amchan

This case is before me upon petition for assessment of a civil penalty under 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. At the commencement of the hearing in this matter on January 11, 1994, the parties moved for approval of a settlement and to dismiss the case. The terms of the settlement are as follows:

The parties agree that the penalty for Citation/Order 9978535/4228205, alleging violation of 30 C.F.R. 71.803, is reduced from the proposed \$382 to \$240, which is to be paid in 12 \$20 monthly installments, beginning February 1, 1994.

I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that the motion for approval of settlement is GRANTED and Respondent shall pay the approved penalty of \$240 in 12 \$20 installments beginning February 1, 1994. Upon such payment this case is DISMISSED.

Arthur J. Amchan
Administrative Law Judge
703-756-6210

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Distribution:

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