

CCASE:
SOL (MSHA) V. ROXCOAL
DDATE:
19940216
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. PENN 93-225
Petitioner : A. C. No. 36-07045-03598
v. :
 : Barbara No. 1
ROXCOAL INCORPORATED, :
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Hodgdon

This case is before me on a petition for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 815(d). A hearing was scheduled for January 14, 1994, in Somerset, Pennsylvania. However, since the parties advised me that the case had been settled, the hearing was held on January 13, in Somerset.

The agreed on settlement provides that Citation No. 3706730 will be modified to delete the "significant and substantial" designation and the penalty will be reduced from \$169.00 to \$50.00, and that the Respondent will pay the proposed penalty of \$189.00 for Citation No. 3706729 (Tr. 5-6). Having considered the representations submitted, I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act, 30 U.S.C. 820(i).

Accordingly, the settlement is APPROVED, Citation No. 3706730 is MODIFIED as indicated above and it is ORDERED that Respondent pay a penalty of \$239.00 within 30 days of this order. On receipt of payment, this case is DISMISSED.

T. Todd Hodgdon
Administrative Law Judge
(703) 756-4570

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