

CCASE:  
SOL (MSHA) V. CROCKETT COLLIERIES  
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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. KENT 94-520  
Petitioner : A.C. No. 15-15455-03542  
v. :  
: Soladay Mine  
CROCKETT COLLIERIES (KY) INC., :  
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Joseph Luckett, Esq., Office of the Solicitor,  
U.S. Department of Labor, Nashville, Tennessee,  
for the Petitioner;  
Joshua E. Santana, Esq., Brown, Bucalos, Santana  
and Bratt, P.S.C., Lexington, Kentucky, for the  
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 a settlement agreement and to dismiss the case. Vacation of Order No. 4245549, deletion of the "significant and substantial" findings from Order Nos. 3830240 and 4245405 and a reduction in penalty from \$26,700 to \$9,000 was proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is acceptable 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 \$9,000 within 30 days of this order.

Gary Melick  
Administrative Law Judge

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Distribution:

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