

CCASE:
SOL (MSHA) V. REDSTONE MINING
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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 94-327
Petitioner : A. C. No. 36-08102-03509
v. :
: Merrill Strip
REDSTONE MINING INCORPORATED, :
Respondent :

DECISION

Appearances: Howard K. Agran, Esq., Office of the Solicitor,
U.S. Department of Labor, Philadelphia, PA 14480
for Petitioner;
Charles F. Erickson, President, Windber, PA
for Respondent

Before: Judge Weisberger

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). Petitioner has filed a Motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$2,500 to \$1,700 is proposed. I have considered the representations and documentation submitted in these cases, 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 \$1,700 within 30 days of this Order.

Avram Weisberger
Administrative Law Judge

Distribution:

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