

CCASE:  
SOL (MSHA) V. NAVAJO CONCRETE INC.  
DDATE:  
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TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
1244 SPEER BOULEVARD #280  
DENVER, CO 80204-3582  
303-844-3812/FAX 303-844-5268

November 21, 1994

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEST 92-771-M  
Petitioner : A.C. 04-04240-05518-R  
:  
v. :  
:  
NAVAJO CONCRETE INCORPORATED, : Navajo Concrete Inc.  
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Morris

This case is before me upon a petition for assessment of civil penalties under Section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. (the "Act").

The parties filed a motion seeking to settle the ten citations, originally assessed for \$1,571.00 for the sum of \$1,256.00.

In support of the motion, the parties further submitted information relating to the statutory criteria for assessing civil penalties as contained in 30 U.S.C. 820(i).

I have reviewed the settlement and the proposed payments and I find they are reasonable and in the public interest. The settlement should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement is APPROVED.
2. The citations and the amended penalties are AFFIRMED.
3. Respondent is ORDERED TO PAY to the Secretary of Labor the total sum of \$1,256.00. Said amount shall be payable in eight

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equal installments of \$157.00 each. The first installment shall be payable on or before January 1, 1995, and subsequent installments shall be paid on or before the first day of each month thereafter.

John J. Morris  
Administrative Law Judge

Distribution:

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