

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, D.C. 20001

December 3, 2002

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 2002-224-M
Petitioner	:	A. C. No. 04-01299-05542
v.	:	
	:	Docket No. WEST 2002-225-M
ORIGINAL SIXTEEN TO ONE MINE,	:	A. C. No. 04-01299-05543
INCORPORATED,	:	
Respondent	:	Sixteen To One Mine

**DECISION**

Appearances: Matthew Vadnal, Esq., Office of the Solicitor, U.S. Department of Labor, San Francisco, California, on behalf of Petitioner;  
Michael Miller, President, Original Sixteen to One Mine, Inc., Alleghany, California, on behalf of Respondent.

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Citations No. 7992100 and 7987759 have been severed from Docket No. WEST 2002-224-M and consolidated with Docket No. WEST 2002-224-M(A).

At hearings the Secretary vacated Citations No. 7992098, 7996613 and 7992158 and proposed to settle the remaining citations. Modification of certain citations and a reduction in penalty to \$852.00, were 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 \$852.00, within 40 days of this order.

Gary Melick  
Administrative Law Judge  
(202) 434-9977

Distribution: (Certified Mail)

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