

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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September 20, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 94-104-M
Petitioner	:	A.C. No. 29-01380-05501 FRT
v.	:	
	:	Sedillo Hill
SANDY JONES CONSTRUCTION,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

The petitioner has filed a motion pursuant to Commission Rule 31, 29 C.F.R. ' 2700.31, seeking approval of a proposed settlement of this matter. The initial proposed civil penalty assessment for the contested violation is \$4,000, and the respondent has agreed to settle the matter by paying a civil penalty assessment of \$1,500. In support of the proposed settlement, the petitioner has submitted information pertaining to the six statutory civil penalty assessment criteria found in section 110(i) of the Act, a discussion of the violation in question, and a reasonable justification for the reduction of the initial proposed civil penalty assessment.

The petitioner states that the mandatory standard under which the respondent was cited is subject to varying interpretations and that it cannot establish that the gravity associated with the violation was extraordinarily high. Under the circumstances, the petitioner believes that a reduction of the initially specially assessed penalty is warranted.

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of this case, I conclude and find that the proposed settlement disposition is reasonable and in the public interest. Accordingly, pursuant to 29 C.F.R.' 2700.31, the motion **IS GRANTED**, and the settlement **IS APPROVED**.

ORDER

The respondent **IS ORDERED** to pay a civil penalty assessment in the amount of \$1,500, in satisfaction of the violation in question. Payment is to be made to MSHA within thirty (30) days of the date of this decision and order, and upon receipt of payment, this matter **IS DISMISSED**.

George A. Koutras
Administrative Law Judge

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