

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, 10th FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

May 10, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. CENT 94-198-M  
Petitioner : A.C. No. 41-03766-05503  
v. :  
: Tarrant Aggregate #2  
F W CONTRACTORS INCORPORATED, :  
Respondent :

**:DECISION APPROVING SETTLEMENT**

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 settlement agreement and to dismiss the case. A reduction in penalty from \$2700 to \$2025 is proposed. I have considered the representations and documentation submitted in this case, 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 \$2025 within 30 days of this order.

Avram Weisberger  
Administrative Law Judge

Distribution:

Jack F. Ostrander, Esq., Office of the Solicitor, U.S. Department of Labor, 525 Griffin St., Suite 501, Dallas, TX 75202

Paul G. Johnston, Safety Director, F W Contractors Incorporated, P.O. Box 185219, Fort Worth, TX 76181

/ml