

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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October 17, 2001

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 2000-65
Petitioner	:	A. C. No. 34-01787-03557
v.	:	
	:	Docket No. CENT 2000-80
GEORGES COLLIERS, INCORPORATED,	:	A. C. No. 34-01787-03558
Respondent	:	
	:	Pollyanna No. 8 Mine

DECISION

Appearances: Christopher Grier, Esq., Office of the Solicitor, U.S. Dept. of Labor, Dallas, Texas, on behalf of Petitioner; Elizabeth M. Christian, Esq., San Antonio, Texas, on behalf of Respondent.

Before: Judge Melick

These cases are before me upon remand for assessment of a civil penalty in accordance with Section 110(i) of the Federal Mine Safety and Health Act of 1977 (the Act). Following supplemental evidentiary hearings at which Respondent presented updated financial documentation and the testimony of Internal Revenue Service Enrolled Agent, Rhonda Schrum and Craig Jackson, Respondent's President, the parties negotiated a settlement. A reduction in penalty to \$742.60 was 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 \$742.60, in accordance with the following schedule: payments of \$247.53 each within 40 days and 70 days of this order and a final payment of \$247.54 within 100 days of this order.

Gary Melick
Administrative Law Judge

Distribution: (By Certified Mail)

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