

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

March 11, 2005

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 2003-207-M
Petitioner	:	A. C. No. 29-00473-05542
v.	:	
	:	Docket No. CENT 2004-49-M
SOUTHWEST CONCRETE & PAVING	:	A. C. No. 29-00473-11213
Respondent	:	
	:	Docket No. CENT 2004-87-M
	:	A. C. No. 29-00473-15815
	:	
	:	Docket No. CENT 2004-192-M
	:	A. C. No. 29-00473-08804
	:	
	:	Mimbres Pit Mine

DECISION APPROVING SETTLEMENT

Before: Judge Zielinski

This case is before me on 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. § 815(d). The parties have negotiated an agreed resolution of the petition and, by motion, seek approval of the settlement agreement and dismissal of the cases. The Secretary has agreed to modify four of the citations at issue and it is proposed that the total penalty for the violations at issue be reduced from \$1,439.00 to \$967.00. I have considered the representations and evidence submitted and 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 the citations are hereby amended as proposed in the motion and that Respondent pay a penalty of \$967.00 within 30 days.

Michael E. Zielinski
Administrative Law Judge

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