

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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Falls Church, Virginia 22041

July 12, 2000

FARRELL-COOPER MINING COMPANY,	:	EQUAL ACCESS TO JUSTICE
Applicant	:	PROCEEDING
	:	
v.	:	Docket No. EAJ 2000-1
	:	
SECRETARY OF LABOR,	:	Formerly CENT 2000-6-R
MINE SAFETY AND HEALTH	:	CENT 2000-7-R
ADMINISTRATION (MSHA),	:	
Respondent	:	Heavener East Mine 34-01815

**ORDER OF DISMISSAL**

Before: Judge Hodgdon

This case is before me on an Application for Attorney’s Fees and Expenses under the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504, and the Commission’s implementation of the Act in Commission proceedings, 29 C.F.R. § 2704.100 *et seq.* The parties, by counsel, have filed a motion to dismiss the application, in accordance with 29 C.F.R. § 2704.305, because they have reached a settlement of the matter. In settling the case, the Secretary has agreed that “Ground Control Plans do not require the approval of MSHA in order to be deemed filed with the Agency as required by 30 C.F.R. § 77.1000-1” and, without admitting that the Applicant is eligible for attorney’s fees and expenses under EAJA, agreed “to pay the Applicant \$8,500.00 in full settlement of Applicant’s claims in this matter .”

Having considered the representations and documentation submitted, I conclude that the settlement is appropriate under the EAJA. Accordingly, good cause having been shown, the motion is **GRANTED** and this case is **DISMISSED**.

T. Todd Hodgdon  
Administrative Law Judge

Distribution: (Certified Mail)

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