

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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March 6, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 94-1260
Petitioner : A.C. No. 15-14074-03667
v. :
 : Martwick Underground Mine
PEABODY COAL COMPANY, :
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Donna E. Sonner, Esq., Office of the Solicitor,
U. S. Department of Labor, Nashville, Tennessee,
Carl B. Boyd, Jr., Esq., Meyer, Hutchinson, Haynes
and Boyd, Henderson, Kentucky, for Respondent.

Before: Judge Melick

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). At hearing, Petitioner has filed a motion to approve a settlement agreement and to dismiss the case.

A reduction in penalty from \$2,000 to \$1,300 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(a) of the Act.

WHEREFORE, the motion for approval of settlement is **GRANTED**, and it is **ORDERED** that Respondent pay a penalty of \$1,300 within 30 days of this order.

Gary Melick
Administrative Law Judge

Distribution:

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