

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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March 7, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. KENT 94-1318  
Petitioner : A.C. No. 15-16482-03503QVW  
v. :  
: Browns Valley Mine  
WINN TRANSPORTATION CORP., :  
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Mary Sue Taylor, Esq., Office of the Solicitor, U.S.  
Department of Labor, Nashville, Tennessee for the Secretary of Labor;  
Carl Boyd, Esq., Henderson, Kentucky for the  
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 filed a motion to approve a settlement agreement and to dismiss the case. Respondent agreed to pay the proposed penalty of \$800. 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 \$800 within 30 days of this order.

Gary Melick  
Administrative Law Judge

Distribution:

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