

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

March 7, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. K ENT 94-1319
Petitioner	:	A.C. No. 15-16482-03522
v.	:	
	:	Browns Valley Mine
WINN CONSTRUCTION COMPANY, INC.,	:	
Respondent	:	Docket No. K ENT 95-62
	:	A.C. No. 15-17458-03504
:	:	
	:	Maxwell Mine
	:	
	:	Docket No. K ENT 95-63
	:	A.C. No. 15-17376-03505
	:	
	:	Free Silver Mine

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

These cases are before me upon petitions 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 cases. A reduction in penalty from \$27,500 to \$9,700 was proposed. I have considered the representations and documentation submitted in these cases, 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 \$9,700 within 30 days of this order.

Gary Melick
Administrative Law Judge

Distribution:

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