

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 94-1321
Petitioner	:	A.C. No. 15-14074-03669
v.	:	
	:	Martwick U.G. Mine
PEABODY COAL COMPANY,	:	
Respondent	:	

DECISION APPROVING PARTIAL SETTLEMENT
AND
STAY ORDER

Appearances: Donna E. Sonner, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for the Secretary;
Carl B. Boyd, Jr., Esq., Meyer, Hutchinson, Haynes
& 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 the hearing Petitioner filed a motion to approve a partial settlement agreement proposing as to Citation Nos. 3863265 and 3863054 a reduction in penalty from \$2,067 to \$1,867. 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 partial settlement is **GRANTED**, and it is **ORDERED** that respondent pay a penalty of \$1,867 within 30 days of this decision.

Further proceedings as to Citation No. 3863055 are hereby **STAYED** pending further negotiations and testing by the Parties.

Gary Melick
Administrative Law Judge

Distribution:

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