

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

February 28, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 94-408
Petitioner : A. C. No. 15-07201-03631
v. :
: C-2 Mine
HARLAN CUMBERLAND COAL COMPANY, :
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Maurer

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). The parties have filed a joint motion to approve a settlement agreement and to dismiss the case.

A reduction in penalty from \$534 to \$426 is proposed. The citations, initial assessments, and the proposed settlement amounts are as follows:

<u>CITATION NO.</u>	<u>INITIAL ASSESSMENT</u>	<u>PROPOSED SETTLEMENT</u>
4040311	\$ 267	\$ 213
4040312	<u>267</u>	<u>213</u>
TOTAL	\$ 534	\$ 426

I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate 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 \$426 within 30 days of this order.

Roy J. Maurer
Administrative Law Judge

Distribution:

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