

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

March 7, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 94-456
Petitioner, : A.C. No. 15-13331-03537
v. :
: Prep Plant & Loading
KY HARLAN COAL CO., INC., :
Respondent :

DECISION

Appearances: Joseph B. Lockett, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia, for
Petitioner;
Rodney E. Buttermore, Jr., Esq., Buttermore,
Turner & Boggs, Harlan, Kentucky, for Respondent.

Before: Judge Fauver

This is a civil penalty case under ' 105(d) of the Federal
Mine Safety and Health Act of 1977, 30 U.S.C. ' et seq.

The case came on for hearing in Kingsport, Tennessee on
February 7, 1995.

The parties presented an oral motion to approve a settlement
agreement. Considering the presentations of counsel and the
documents submitted, I conclude that the settlement is consistent
with the purposes of ' 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that:

1. The motion to approve the settlement agreement is
GRANTED.

2. Respondent shall pay the approved civil penalty of \$4,000 in six monthly payments as follows:

April	1, 1995	\$ 670
May	1, 1995	\$ 666
June	1, 1995	\$ 666
July	1, 1995	\$ 666
August	1, 1995	\$ 666
September	1, 1995	\$ 666

Provided: If Respondent fails to make any monthly payment when due, the total remaining balance will become due immediately and interest thereon shall accrue from such date until the full amount is paid. The rate of interest shall be the rate published by the Executive Secretary of the Commission.

William Fauver
Administrative Law Judge

Distribution:

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