

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

October 13, 1995

SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), Petitioner	:	CIVIL PENALTY PROCEEDING
	:	
	:	Docket No. KENT 95-500
v.	:	A.C. No. 15-17475-03519
	:	
	:	Hatchett Mill
LARC COAL, INC., Respondent	:	
	:	

DECISION

Appearances: Thomas Grooms, Esq, Office of the Solicitor,  
U.S. Department of Labor, Nashville, Tennessee  
for Petitioner;  
W. L. Cook, Vice President, Larc Coal, Inc.,  
Madison, West Virginia 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 hearings Petitioner filed a motion to approve a settlement agreement. A reduction in penalty from \$12,500 to \$7,500 was proposed. I have considered the representations and documentation submitted in this case, including those representatives made at hearing, 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 \$7,500 within 30 days of this order.

Gary Melick  
Administrative Law Judge

**Distribution:**

**Thomas Grooms, Esq., Office of the Solicitor, U.S. Department of Labor, 2002 Richard Jones Road, Suite B201, Nashville, TN 37215**

**W. L. Cook, Vice President, Larc Coal, Inc., 221 Riverside Drive, Madison, WV 24130**

**/ jf**