

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET, N.W., SUITE 600
WASHINGTON, D.C. 20006

April 3, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 94-436
Petitioner	:	A. C. No. 15-10274-03537
	:	
v.	:	Mine No. 1
MESHACH COAL COMPANY,	:	
INCORPORATED,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT
ORDER TO PAY

Before: Judge Merlin

This case is before me pursuant to Commission Order dated December 5, 1994.

On December 7, 1994, I issued an order vacating the default in this case and directing the Solicitor to advise whether there had been a settlement in this matter and if so, to submit the settlement motion. The operator advised in its letter to the Commission seeking relief from the default that a settlement was reached with a representative from MSHA.

The parties have now filed a joint motion to approve settlement for the one violation in this case. A reduction in the penalty from \$2,000 to \$500 is proposed. The citation in this case was issued because the operator failed to take a valid dust sample during a sampling cycle. The basis for the settlement is that the operator is experiencing financial difficulties. In addition, the parties advise that the mine is closed.

I have reviewed the documentation and representations made in this case, and 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 the operator **PAY** a penalty of \$500 within 30 days of this decision.

Paul Merlin
Chief Administrative Law Judge

Distribution:

Donna E. Sonner, Esq., Office of the Solicitor, U. S. Department
of Labor, 2002 Richard Jones Road, Suite B-201, Nashville, TN
37215

Mr. Vernon Morris, President, Meshach Coal Co., Inc., HC 81, Box
1532, Hinkle, KY 40953

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