

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

April 25, 1997

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. LAKE 94-126-M
Petitioner	:	A.C. No. 11-02742-05516
v.	:	
	:	Lacon Plant
MIDWEST MATERIALS COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Fauver

This is a civil penalty action under § 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. The parties have filed a motion to approve a settlement agreement and to dismiss the case. I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in § 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that the motion for approval of settlement is **GRANTED**. Respondent shall pay the approved penalties of \$15,000 as follows: The payment by Respondent to the Secretary for \$1,500, already received, leaves a balance of \$13,500, which shall be paid by 12 monthly certified checks of \$1,125 each, commencing on May 15, 1997, and due on the 15th day of each consecutive month until the balance is paid. Provided: If Respondent fails to make any monthly payment when due, the entire balance shall become due the next day with interest accruing from that date until paid. The applicable interest rates shall be those announced by the Executive Secretary of the Commission.

William Fauver
Administrative Law Judge

Distribution:

Cheryl C. Blair-Kijewski, Esq., Office of the Solicitor, U. S. Department of Labor, 4015 Wilson Boulevard, Room 400, Arlington, VA 22203

Paul Williams, President, Midwest Materials Company, Box 63, Suite 103-B, Naperville, IL 60566

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