

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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

April 7, 2000

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 99-265
Petitioner	:	A.C. No. 36-06815-03566
v.	:	
	:	Whites Vein Slope
TITO COAL,	:	
Respondent	:	

**DECISION**

Appearances: Theresa C. Timlin, Esq., Office of the Solicitor, U.S. Department of Labor, Philadelphia, Pennsylvania for Respondent;  
Gregory S. Showers, *pro se*, Tito Coal, Williamsburg, Pennsylvania for Respondent.

Before: Judge Weisberger

At the conclusion of the hearing in this case after extensive discussions, the parties entered into a settlement. A reduction in penalty from \$1,000.00 to \$250.00 is proposed. I have considered the Parties representations, the testimony and exhibits admitted at the hearing, and I conclude that the proffered settlement is appropriate under the criteria set forth in section 110(i) of the Act.

It is **ORDERED** that Respondent pay a civil penalty of \$250 in five payments of \$50 each, commencing October 1, 2000 and continuing each succeeding month until the entire penalty is paid.

Avram Weisberger  
Administrative Law Judge

Distribution:

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Gregory S. Showers, Operator, Tito Coal, 118 Fairview Lane, Williamstown, PA 17098

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