

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

June 2, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 95-81-M
Petitioner	:	A. C. No. 30-00612-05503 X7X
v.	:	
	:	Docket No. SE 95-113-M
DILLINGHAM CONSTRUCTION	:	A. C. No. 38-00612-05504 X7X
Respondent	:	
	:	Lyman Quarry Mine

DECISION APPROVING SETTLEMENT

Appearances: Leslie J. Rodriguez, Esq., Office of the Solicitor,
U. S. Department of Labor, Atlanta, Georgia, for
the Petitioner;
Mr. Joe Meyer, Dillingham Construction Company,
Asheville, North Carolina, for Respondent.

Before: Judge Weisberger

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). A hearing was scheduled for May 9, 1995, in Greenville, South Carolina. At the hearing, the Parties entered into a settlement agreement, and Petitioner moved to approve the settlement. A reduction in penalty from \$4800 to \$1200 is proposed. I have considered the representations and documentation submitted in these cases, and I 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**.
It is **ORDERED** that respondent pay a penalty of \$1200 as follows:
\$600 is to be paid on May 9, 1995 and \$600 is to be paid on
June 9, 1995.

Avram Weisberger
Administrative Law Judge

Distribution:

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