

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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March 30, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. SE 94-570
Petitioner : A.C. No. 40-03011-03562 M
v. :
: :
GARY BYRGE, Employed by S & H :
MINING CO., :
Respondent : Mine No. 7

DECISION APPROVING SETTLEMENT

Appearances: Mark R. Malecki, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia for
the Petitioner;
Gary Byrge, Oliver Springs, Tennessee, pro se.

This case is before me upon a petition for assessment of civil penalty under Section 110(c) of the Federal Mine Safety and Health Act of 1977 (the Act). At hearing Petitioner filed a motion to approve a settlement agreement in which Respondent agreed to pay the proposed penalty of \$1,000 in full. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is acceptable under the relevant 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 \$1,000 in 6 months installments as set forth in the agreement.

Gary Melick
Administrative Law Judge

Distribution:

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