

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

January 30, 1995

BIRCHFIELD MINING, INC.,	:	CONTEST PROCEEDING
Contestant	:	
v.	:	Docket No. WEVA 91-345-R
	:	Order No. 3751389; 3/14/91
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Mine No. 1
ADMINISTRATION (MSHA),	:	
Petitioner,	:	
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 91-2076
Petitioner	:	A.C. No. 46-07273-03558
v.	:	
	:	Mine No. 1
BIRCHFIELD MINING, INC.,	:	
Respondent	:	

DECISION

Appearances: David J. Hardy, Esq., Jackson & Kelly, Charleston, West Virginia, for Contestant;

Patrick L. DePace, Esq., Office of the Solicitor, U.S. Department of Labor, for Petitioner, Arlington, Virginia.

Before: Judge Fauver

These cases involve a ' 104(d)(1) order under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' et seq.

At the hearing the parties moved for approval of a settlement.

Having considered the reasons and documentation submitted, I conclude that the settlement is consistent with the purposes of the Act. Accordingly, the motion is GRANTED.

ORDER

WHEREFORE IT IS ORDERED that the motion for approval of settlement is GRANTED and Respondent shall pay the approved penalty of \$800.00 within 30 days of this decision. Upon such payment the cases are dismissed.

William Fauver
Administrative Law Judge

Distribution:

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