

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

March 13, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 94-80
Petitioner	:	A.C. No. 46-08122-03502 NFZ
v.	:	
	:	Mine: Murphy No. 1 Prep Plant
FIELDING HYDROSEEDING,	:	
Respondent	:	

**DECISION APPROVING SETTLEMENT**

Before: Judge Amchan

This case is before me upon petition for assessment of civil penalty under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' 801 et seq. The Secretary of Labor has filed a motion to approve a settlement agreement. The terms of the settlement are that the total proposed penalties are reduced from \$6,000 to \$5,000. Petitioner represents that Respondent has agreed to pay this amount in an installment payment plan specified in the settlement agreement.

I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in section 110(i) of the Act.

**ORDER**

**WHEREFORE IT IS ORDERED** that the motion for approval of settlement is **GRANTED** and Respondent shall pay the approved penalties in accordance with the terms of the settlement agreement. Upon such payment this case is **DISMISSED**.

Arthur J. Amchan  
Administrative Law Judge

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