

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

February 1, 1996

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 95-219
Petitioner	:	A. C. No. 46-03374-03837
v.	:	
	:	Maple Meadow Mine
MAPLE MEADOW MINING COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Appearances: Caryl L. Casden, Esq., Office of the Solicitor,
U. S. Department of Labor, Arlington, Virginia,
for the Secretary;
John Bonham, Esq., Jackson & Kelly, Charleston,
West Virginia, for Respondent.

Before: Judge Maurer

This case is before me upon a petition for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act).

At the hearing, the parties proposed a settlement wherein section 104(d)(1) Citation No. 3964584 would be modified to a section 104(a) citation and the penalty reduced from \$600 to \$200. Also with regard to the negligence factor on that citation which was originally marked as "high," the proposal is that it be changed to "moderate." With regard to section 104(d)(1) Order No. 3964585, it would be modified to a section 104(d)(1) citation and the proposed penalty of \$1800 would be reduced to \$900. Also with regard to the gravity assessment, which was originally marked as "highly likely," the proposal is that it be changed to "reasonably likely."

I have considered the representations and documentation submitted in this case, 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**, and it is **ORDERED** that respondent pay a penalty of \$1100 within 30 days of this decision. Upon payment in full, this case **IS DISMISSED**.

Roy J. Maurer
Administrative Law Judge

Distribution:

Caryl L. Casden, Esq., Office of the Solicitor, U. S. Department of Labor, 4015 Wilson Boulevard, Suite 516, Arlington, VA 22203

John Bonham, Esq., Jackson & Kelly, P. O. Box 553, Charleston, WV 25322

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