

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

August 30, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEST 94-720-M
Petitioner : A.C. No. 42-02089-05505
v. :
: Wiser Portable No. 1 WISER
CONSTRUCTION LLC, :
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Hodgdon

This case is before me on a petition for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' 815(d). The Secretary, by counsel, has filed a motion to approve a settlement agreement. A reduction in penalty from \$4,300.00 to \$2,150.00 is proposed. Having considered the representations and documentation submitted, I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act, 30 U.S.C. ' 820(i).

Accordingly, the motion for approval of settlement is GRANTED and it is ORDERED that Respondent pay a penalty of \$2,150.00 within 40 days of the date of this order. On receipt of payment, this case is DISMISSED.

T. Todd Hodgdon
Administrative Law Judge
(703) 756-4570

Distribution:

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