

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
1244 SPEER BOULEVARD #280  
DENVER, CO 80204-3582  
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April 17, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEST 94-510-M  
Petitioner : A.C. No. 10-01776-05517  
:  
v. :  
: Plant No. 3  
DEATLEY COMPANY, INC., :  
Respondent :

**DECISION APPROVING SETTLEMENT**

**Before: Judge Manning**

This case is before me upon a petition for assessment of a civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' 801 et seq. (the "Act"). The parties filed a motion to approve settlement and order payment of the proposed penalty. Respondent has agreed to pay the \$252.00 penalty originally proposed for the single citation.

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.

Accordingly, the motion for approval of settlement is **GRANTED**, and Respondent is **ORDERED TO PAY** the Secretary of Labor the sum of \$252.00 within 30 days of the date of this decision, if it has not already been paid.

Richard W. Manning  
Administrative Law Judge

Distribution:

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