

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, DC 20001

June 8, 2005

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 2004-36
Petitioner	:	A.C. No. 46-08593-11714
	:	
v.	:	
	:	
BAYLOR MINING, INC.,	:	Jim's Branch No. 3a
Respondent	:	

**ORDER LIFTING STAY**  
**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). It was stayed on May 26, 2004. The Secretary, by counsel, has filed a motion to approve a settlement agreement. The Respondent has agreed to pay the proposed penalty in full.

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 stay is **LIFTED**, the motion for approval of settlement is **GRANTED** and the Respondent is **ORDERED TO PAY** a penalty of **\$60.00** within 30 days of the date of this order.

T. Todd Hodgdon  
Administrative Law Judge

Distribution:

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