

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041
March 20, 1997

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
Petitioner : Docket No. YORK 96-24-M
v. : A.C. No. 06-00636-05518
: New Milford Plant
ADVANCE STONE INCORPORATED, :
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Bulluck

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 (the Act). Petitioner has filed a motion to approve settlement agreement and to dismiss the case. A reduction in penalty from \$554.00 to \$229.00 is proposed. The citations initial assessments, and the proposed settlement amounts are as follows:

| <u>Citation No.</u> | <u>Initial Assessment</u> | <u>Proposed Settlement</u> |
|---------------------|---------------------------|----------------------------|
| 4426541 | \$252.00 | \$104.00 |
| 4426542 | 50.00 | 21.00 |
| 4426544 | 252.00 | 104.00 |
| TOTAL | \$554.00 | \$229.00 ¹ |

I have considered the representatives 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 \$229.00 within 30 days of this order.

Jacqueline R. Bulluck
Administrative Law Judge

¹Motion for Approval of Settlement and Order contains mathematical error totalling penalty at \$225.00, whereas \$229.00 is corrected sum.

Distribution:

Ralph R. Minichiello, Esq., Office of the Solicitor, U.S. Department of Labor, One Congress Street, 11th Floor, P.O. Box 8396, Boston, MA 02114 (Certified Mail)

Mr. Paul Kovacs, President, Advanced Stone Inc., 33 Boardman Road, New Milford, CT 06776 (Certified Mail)

nt