

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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FALLS CHURCH, VIRGINIA 22041

May 6, 1999

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), :  
Petitioner : Docket No. YORK 98-59-M  
v. : A.C. No. 30-02566-05517  
: Granby Pit  
SAM PUGLIA EXCAVATING, :  
Respondent :

**DECISION APPROVING SETTLEMENT**

Before: Judge Bulluck

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). Petitioner has filed a motion to approve a settlement agreement and to dismiss this case. A reduction in penalty from \$4,144.00 to \$580.00 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>
7707680	\$2,072.00	\$290.00
7707682	\$2,072.00	\$290.00
Total	\$4,144.00	\$580.00

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**, it is **ORDERED** that Order Nos. 7707714 and 7707715 are **VACATED**, and that Respondent pay a penalty of \$580 in three installments, in accordance with the payment schedule set forth in the settlement agreement.

Jacqueline R. Bulluck  
Administrative Law Judge

Distribution:

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