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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. SE 84-70-M
A.C. No. 08-00915-05505

v.

Gulf Hammock Mine

FLORIDA LIME & DOLOMITE
CO., INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

On February 4, 1985, the Parties filed a Joint Motion to Approve Settlement and to Dismiss, in the above-captioned case. At issue is one violation which was originally assessed a penalty of \$300. Settlement is proposed for the original amount.

Citation No. 2382764 was issued for violation of 30 C.F.R. 56.9-3, when it was discovered that a truck used to haul fuel did not have an operative brake system. The parties agree that the violation was serious and that the violation could have contributed to a collision, with the danger of spilling flammable liquid.

The parties represent that the operator is small with the mine having approximately seven employees.

I accept the representations of the parties and find the proposed settlement in accord with the purposes and policies of the Act. The settlement is hereby APPROVED.

ORDER

The operator having paid the penalty this case is hereby DISMISSED.

Paul Merlin
Chief Administrative Law Judge