

CCASE:  
SOL (MSHA) V. VOLUNTEER COAL  
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TTEXT:

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. WEVA 85-242  
A.C. No. 46-06805-03509

v.

No. 1 Mine

VOLUNTEER COAL CORPORATION,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Jonathan M. Kronheim, Esq., Office of the Solicitor,  
U.S. Department of Labor, Arlington, Virginia,  
for Petitioner;  
William Stover, Esq., M.A.E. Services Inc.,  
Beckley, West Virginia, for Respondent.

Before: Judge Melick

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 the case. Respondent has agreed to pay the proposed penalty of \$800 in full. 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, and it is ORDERED that Respondent pay a penalty of \$800 within 30 days of this order.

Gary Melick  
Administrative Law Judge