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SOL (MSHA) V. MITCH COAL
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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. KENT 86-98
A.C. No. 15-05209-03522

v.

No. EÄ4 Mine

MITCH COAL COMPANY, INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

This matter is before me on the parties' motion to approve a settlement reducing the amount of the penalties proposed by 50 percent due to the depressed state of the market for coal and its consequent impact on the operator's ability to continue in business.

Based on an independent evaluation and de novo review of the justification for the reduction, I find the same is in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion be, and hereby is, GRANTED. It is FURTHER ORDERED that the operator pay the amount of the penalty agreed upon, \$500.00, in installments of \$250.00 each due on or before Monday, October 20, 1986 and Thursday, November 20, 1986. Finally, it is ORDERED that, subject to payment, the captioned matter be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge