

CCASE:  
SOL (MSHA) V. RUSHTON MINING  
DDATE:  
19870406  
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. PENN 86-300  
A.C. No. 36-00856-03569

v.

Rushton Mine

RUSHTON MINING COMPANY,  
RESPONDENT

RUSHTON MINING COMPANY,  
CONTESTANT

CONTEST PROCEEDINGS

v.

Docket No. PENN 86-114-R  
Order No. 2692920; 3/13/86

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

Docket No. PENN 86-128-R  
Order No. 2690105; 3/20/86

Rushton Mine

DECISION APPROVING SETTLEMENT

Before: Judge Fauver

This case is before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. Petitioner has filed a motion to approve a settlement agreement and to dismiss the case. I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in section 110(i) of the Act.

ORDER

WHEREFORE IT IS ORDERED that the motion for approval of settlement is GRANTED. Order No. 2690105 is VACATED. Order No. 2692920, Respondent shall pay the approved penalty of \$100.00 within 30 days of this Decision. Upon such payment this proceeding is DISMISSED. Pursuant to the settlement, Docket Nos. PENN 86-114-R and PENN 86-128-R are DISMISSED.

William Fauver  
Administrative Law Judge