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SOL (MSHA) V. GREEN 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 86-8
MSHA NO. 15-13469-03544

v.

Mine: Green River No. 9

GREEN RIVER COAL COMPANY, INC.
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Mary Sue Ray, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee,
for the Petitioner; Flem Gordon, Esq., Gordon
and Gordon, Owensboro, Kentucky, for
the 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). At hearing Petitioner filed a motion to approve a settlement agreement and to dismiss the case. A modification of the order at bar to a citation under Section 104(a) of the act is proposed and Respondent has agreed to pay the proposed penalty of \$500 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 if GRANTED, and it is ORDERED that Respondent pay a penalty of \$500 within 30 days of this order.

Gary Melick
Administrative Law Judge