

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

July 31 , 1991

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), :  
Petitioner : Docket No. WEVA 90-200  
V. : A. C. No. 46-03875-03546 A  
: No. 5 Mine  
JAMES D. McMILLEN, EMPLOYED :  
BY SHILLELAGH MINING :  
COMPANY, :  
Respondent :

DECISION APPROVING SETTLEMENT  
ORDER TO PAY

**Before:** Judge Merlin

The parties now advise that they have agreed to settle this matter for \$3,000. Upon review of the matter I determine that the settlement is entitled to approval under the provisions of the Act.

Accordingly, it is ORDERED that the settlement be APPROVED. It is further ORDERED that the operator, if it has not already done so, pay \$3,000 within 30 days from the date of this decision and order.



**Paul Merlin**  
Chief Administrative Law Judge

**Distribution:**

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