

CCASE:  
MSHA V. CHARLES CARPENTER  
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SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 91-1801
Petitioner	:	A.C. No. 46-05480-03815 A
v.	:	
	:	Dobbin Mine
CHARLES E. CARPENTER,	:	
Employed by	:	
ISLAND CREEK COAL COMPANY,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Appearances: Edward H. Fitch, Esq., Office of the Solicitor,  
U.S. Department of Labor, Arlington, Virginia, for  
the Petitioner;  
Paul J. Harris, Esq., Wallace, Ross & Harris,  
Elkins, West Virginia, for the Respondent.

Before: Judge Melick

This case is before me upon a petition for assessment of civil penalty under Section 110(c) of the Federal Mine Safety and Health Act of 1977 (the Act). The petition had previously been modified by the Secretary's withdrawal of charges against Mr. Carpenter under Order No. 3111274. At hearings on the remaining charges under Order No. 3111276, the Secretary filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$1,200 to \$350 was proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is appropriate under the relevant 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 \$350. Payment shall be made in monthly installments of \$50 commencing April 1, 1992.

Gary Melick  
Administrative Law Judge