

CCASE:
MSHA V. CONSOLIDATION COAL
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEVA 91-1601
Petitioner : A.C. No. 46-01453-03961
v. :
 : Humphrey No. 7 Mine
CONSOLIDATION COAL COMPANY, :
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Caryl L. Casden, Esq., U.S. Department of Labor,
Office of the Solicitor, Arlington, Virginia,
for Petitioner;
Walter J. Scheller III, Esq., Consolidation Coal
Company, Pittsburgh, Pennsylvania for
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 hearings and following hearings Petitioner filed motions to approve settlement agreements and to dismiss the case. A reduction in penalty from \$1,295 to \$1,191 has been proposed. I have considered the evidence, 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 is GRANTED, and it is ORDERED that Respondent pay a penalty of \$1,191 within 30 days of this order.

Gary Melick
Administrative Law Judge