

CCASE:  
SOL (MSHA) V. RAVEN MINING  
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. KENT 92-434  
Petitioner : A.C. No. 15-16743-03509  
v. :  
 : No.3 Mine  
RAVEN MINING COMPANY, :  
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Darren L. Courtney, Esq., Office of the  
Solicitor, U.S. Department of Labor,  
Nashville, Tennessee, for the Petitioner;  
Billy R. Shelton, Esq., Baird, Baird, Baird,  
and Jones, P.S.C., Pikeville, 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). Following hearings on October 23, 1992, Petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$1,000 to \$500 was proposed. I have considered the representations and documentation submitted in this case, as well as proceedings at trial, 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 \$500 within 30 days of this order.

Gary Melick  
Administrative Law Judge

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Distribution:

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