

CCASE:
SOL (MSHA) V. AMI CONSTRUCTION
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1244 SPEER BOULEVARD #280
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July 13, 1994

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEST 93-604-M
Petitioner : A.C. No. 26-00672-05502 IWG
:
v. : Colado Mine
:
AMI CONSTRUCTION, :
Respondent :

DECISION AFTER REMAND

Before: Judge Morris

This case is before me upon a petition for assessment of the civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. (the "Act").

The parties filed a motion seeking to settle the two citations, originally assessed for \$1,700.00, for the sum of \$1,200.00.

In support of the motion, the parties further submitted information relating to the statutory criteria for assessing civil penalties as contained in 30 U.S.C. 820(i).

I have reviewed the proposed settlement and I find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement is APPROVED.
2. The citations and the amended penalties are AFFIRMED.
3. Respondent is ORDERED TO PAY to the Secretary of Labor the sum of \$1,200.00 within 30 days of the date of this decision.

John J. Morris
Administrative Law Judge

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Distribution:

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