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SOL (MSHA) V. WALTER KUHL
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. PENN 93-449-M
Petitioner : A.C. No. 36-07715-05501
v. :
WALTER KUHL AND SON, : Kuhl Sand & Gravel Pit
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Weisberger

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). Petitioner has filed a Motion to Approve a settlement agreement and to dismiss the case. A reduction in penalty from \$364 to \$175 is proposed. I have considered the representations and documentation submitted in these cases, 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 \$175 within 30 days of this Order.

Avram Weisberger
Administrative Law Judge

Distribution:

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