

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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FALLS CHURCH, VIRGINIA 22041

June 22, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. PENN 95-16  
Petitioner : A. C. No. 36-01301-03685  
v. :  
: Dunkard Mine  
DUNKARD MINING COMPANY, :  
Respondent :

## DECISION APPROVING SETTLEMENT

Before: Judge Maurer

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 \$1949 to \$780 is proposed. The citations, initial assessments, and the proposed settlement amounts are as follows:

<u>CITATION NO.</u>	<u>INITIAL ASSESSMENT</u>	<u>PROPOSED SETTLEMENT</u>
9952804	\$ 309	\$ 124
3672157	168	67
3672159	168	67
3672160	220	88
3672363	267	107
3672364	267	107
3672365	204	82
3672366	168	67
3672367	<u>178</u>	<u>71</u>
TOTAL	\$ 1949	\$ 780

I have considered the 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 \$780 within 30 days of this order.

Roy J. Maurer  
Administrative Law Judge

Distribution:

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