

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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September 19, 1995

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEST 95-96-M
Petitioner : A.C. No. 02-02503-05522
: :
v. : Stewart Kessen Crushing
: :
STEWART KESSEN, :
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Cetti

This case is before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). The Petitioner filed a motion to approve a settlement agreement and to dismiss the case. The citations, initial assessments and the proposed settlement amounts are as follows:

<u>Citation No.</u>	<u>Date</u>	<u>Health & Safety Standard</u>	<u>Initial Proposed Penalty</u>	<u>Proposed Settlement</u>
4335901	9/27/94	56.4201(a)(1)	\$ 168.00	\$ 117.60
4335902	9/27/94	56.9300(a)	690.00	483.00
4335903	9/27/94	56.14107(a)	288.00	201.60
4335904	9/27/94	56.14107(a)	288.00	201.60
4335905	9/27/94	56.12008	431.00	301.70
4335907	9/27/94	56.14107(a)	288.00	201.60
4356595	9/27/94	56.9300(a)	690.00	483.00
4356597	9/27/94	56.12004	<u>431.00</u>	<u>301.70</u>
		TOTALS	\$3,274.00	\$2,291.80

I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in ' 110(i) of the Act.

ORDER

WHEREFORE the motion for approval of settlement is **GRANTED**. **RESPONDENT SHALL PAY** to the Secretary of Labor the approved penalties of \$2,291.80 within 30 days of this decision. Payment shall be made to Office of Assessments, Mine Safety and Health Administration, P.O. Box 360250M, Pittsburgh, Pennsylvania 15251-6250. Upon such payment this case is dismissed.

August F. Cetti
Administrative Law Judge

Distribution:

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