

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, D.C. 20001

August 22, 2007

MARFORK COAL COMPANY,	:	CONTEST PROCEEDING
Contestant	:	
	:	Docket No. WEVA 2006-790-R
v.	:	Citation No. 7257568;06/27/2006
	:	
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Mine ID 46-09048
ADMINISTRATION (MSHA),	:	Slip Ridge Cedar Grove Mine
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 2006-934
Petitioner	:	A.C. No. 46-09048-94552
	:	
v.	:	
	:	
MARFORK COAL COMPANY, INC.,	:	
Respondent	:	Slip Ridge Cedar Grove Mine

**ORDER LIFTING STAY**  
**CONSOLIDATION ORDER**  
**AND**  
**DECISION APPROVING SETTLEMENT**

Before: Judge Feldman

The captioned contest was initially dismissed on September 27, 2006. 28 FMSHRC 842 (Sept. 2006) (ALJ). The related civil penalty matter in WEVA 2006-934 was stayed on January 22, 2007, pending Commission review of the contest dismissal. The Commission has reversed and reinstated the contest. 29 FMSHRC \_\_ (Aug. 2007). Accordingly, the stay in WEVA 2006-934 **IS LIFTED** and the captioned contest in WEVA 2006-790-R **IS CONSOLIDATED** with WEVA 2006-934.

These consolidated contest and civil penalty cases are before me upon a petition for assessment of civil penalty filed pursuant to section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). The Secretary has filed a motion to approve a settlement agreement and to dismiss these proceedings. A reduction in civil penalty from \$1,446.00 to \$783.00 is proposed. The reduction in the proposed penalty is based on deleting the significant and substantial designation from Citation No. 7257568.

I have considered the representations and documentation submitted in these matters 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 the respondent pay a civil penalty of \$783.00 within 30 days of this order in satisfaction of the two citations in issue. Upon receipt of timely payment, the captioned civil penalty and contest cases **ARE DISMISSED**.

Jerold Feldman  
Administrative Law Judge

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