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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

POWDERHORN COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. WEST 82-150
A.C. No. 05-00281-03066 V

Roadside Mine

DECISION

Appearances: James H. Barkley, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Randy Bishop, Safety Director, Powderhorn Coal
Company, Grand Junction, Colorado, pro se.

Before: Judge Carlson

When this civil penalty proceeding was called for hearing at Grand Junction, Colorado, on September 26, 1984, the parties announced upon the record that they had reached a settlement.

Counsel for the petitioner moved that the penalty be reduced from the \$750.00 originally proposed to \$600.00. Respondent, in turn, moved to withdraw its notice of contest.

Based upon my review of the file and information placed upon the record at the hearing, I am satisfied that the settlement terms are appropriate and should be approved.

Accordingly, the motions made at trial are granted. Respondent's notice of contest is withdrawn; the citation is affirmed; and respondent shall pay a civil penalty of \$600.00 within 30 days of the date of this decision.

SO ORDERED.

John A. Carlson
Administrative Law Judge