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SOL (MSHA) V. MATHIES COAL  
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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

CIVIL PENALTY PROCEEDING

Docket No. PENN 87-111  
A.C. No. 36-00963-03633

v.

Mathies Mine

MATHIES COAL COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On July 10, 1987, the Secretary of Labor filed a motion for approval of a settlement reached by the parties in this case. The violations were originally assessed at \$126 and the parties proposed to settle for \$50.

The motion states that there were several mitigating factors justifying a reduction in the penalty. The violation charged was failure to adequately ventilate a battery charger. The charger was not in service and was not energized. It was located in a steel fireproof enclosure and equipped with a fire extinguisher. The charge and its cable were protected with short circuit and overload protection.

I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$50 within 30 days of the date of this decision.

James A. Broderick  
Administrative Law Judge