

CCASE:

SOL (MSHA) v. KAS COAL INC

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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 PROCEEDINGS

Docket No. KENT 85-58
A.O. No. 15-14633-03503

v.

Docket No. KENT 85-93
A.O. No. 15-14633-03505

KAS COAL INC.,
RESPONDENT

Docket No. KENT 85-118
A.O. No. 15-14633-03506

KAS No. 1

Appearances: Charles C. Kerz, Esq., U.S. Department of Labor,
Nashville, TN, for Petitioner;
Mr. Kenneth Graham, Louisville, KY, for
Respondent

DECISION APPROVING SETTLEMENT

Before: Judge Maurer

These cases are before me upon petitions for assessment of civil penalties under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Subsequent to their opening statements at the hearing on August 7, 1985 at London, Kentucky, the parties jointly moved for approval of a settlement agreement and dismissal of the cases. The violations in these cases were originally assessed at a total of \$809 and the Respondent has agreed to remit the full amount. I have considered the representations and documentation submitted in these cases, 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 a settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$809 within 30 days of this decision. Upon payment, these proceedings are DISMISSED.

Roy J. Maurer
Administrative Law Judge