

CCASE:
SOL (MSHA) V. WESTERN SAND & GRAVEL
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SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 92-511-M
Petitioner	:	A. C. No. 45-03119-05508
	:	
v.	:	
	:	
	:	
WESTERN SAND & GRAVEL,	:	Tenino Pit
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

This case is before me upon a petition for assessment of a civil penalty under section 105(d) of the Federal Mine Safety and Health Act of 1977. The parties have filed a joint motion to approve settlement. A reduction in the penalty from \$431 to \$192 is proposed. The proposed reduction is large but the recommended amounts appear proper in light of the operator's small size and negligible history. Therefore, I conclude based on the representations and documentation submitted in this case 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 operator pay a penalty of \$192 within 30 days of this order.

Paul Merlin
Chief Administrative Law Judge

Distribution: (Certified Mail)

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