

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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August 30, 2019

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

v.

BLACKJEWEL LLC,
Respondent.

CIVIL PENALTY PROCEEDINGS

Docket No. VA 2019-0139
A.C. No. 44-07220-492667

Mine: D-17

ORDER OF DEFAULT AND ORDER TO PAY

This case is before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(d).

This docket involves 1 alleged violation and a total proposed penalty of \$1,380.00. On August 14, 2019, I issued an Order to Show Cause directing Respondent to explain why an order of default should not be issued against it given its stated posture of not responding to any administrative orders from this office. During a conference call with the parties on August 13, 2019, Respondent's counsel relayed that in light of pending bankruptcy proceedings, Respondent would expect the court to issue an order of default based upon its failure to respond to a show cause order. Respondent failed to show cause by the deadline of August 28, 2019.

Respondent has failed to comply with my Order to Show Cause. The Commission's procedural rules permit a finding of default and summary disposition of a case after issuance of a show cause order when a party has failed to comply with a judge's orders. 29 C.F.R. § 2700.66.

WHEREFORE, I find Respondent to be **IN DEFAULT**.

Respondent is hereby **ORDERED** to pay a total penalty of \$1,380.00 within thirty (30) days of the date of this Order.¹



Priscilla M. Rae
Administrative Law Judge

¹ Checks or money orders should be sent to: Mine Safety & Health Administration, U.S. Department of Labor, P.O. Box 790390, St. Louis, MO 63179-0390.

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/smp