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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.

SIGLER MINING,
RESPONDENT

Civil Penalty Proceeding

Docket No. WEVA 80-519
A.O. No. 46-04633-03021

Mine No. 1

ORDER ASSESSING DEFAULT PENALTY

The operator having received the captioned proposal for assessment of civil penalties and having failed to file its answer within 30 days as required by Rule 28 of the Commission's rules of procedure, an order to show cause why it should not be declared in default issued on October 6, 1980. The order directed respondent to explain its delinquency and to comply with the requirements of Rule 28 that it provide a statement of the reasons why each of the violations are contested, including a statement as to whether each violation occurred and whether a hearing is requested. The operator's response filed October 27, 1980, fails to comply with these requirements.

Accordingly, it is ORDERED that the operator be, and hereby is, declared in DEFAULT.

It is FURTHER ORDERED that pursuant to Rule 63 of the Commission's rules the proposed penalty of \$1174 be, and hereby is, ASSESSED as a FINAL ORDER of the Commission. Finally, it is ORDERED that respondent pay the amount finally assessed, \$1174, on or before Monday, November 24, 1980.

Joseph B. Kennedy
Administrative Law Judge