

CCASE:  
SOL (MSHA) V. F & G SAND & GRAVEL  
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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. YORK 80-46-M  
A.O. No. 19-00306-05003

v.

F & G Sand & Gravel Co.

F & G SAND AND GRAVEL CO., INC.,  
RESPONDENT

ORDER ASSESSING DEFAULT PENALTY

The operator having failed to comply with the requirements of the pretrial order of August 1, 1980, in the captioned matter, an order to show cause why it should not be declared in default issued on October 16, 1980. On the return date of the order, October 29, 1980, respondent contacted this office telephonically and stated that it was interested in complying but that it was unclear as to the specific requirements of the pretrial order. The operator was given detailed instructions, and was informed that pursuant to Rule 8(b) of the Commission's Rules respondent had five days in which to file its response. A month has elapsed and respondent has failed to comply, and has failed to request a reasonable extension of time in which to comply. 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 \$763 be, and hereby is, ASSESSED as a FINAL ORDER of the Commission. Finally, it is ORDERED that respondent pay the amount finally assessed, \$763, on or before Monday, December 15, 1980.

Joseph B. Kennedy  
Asministrative Law Judge