

CCASE:
SOL (MSHA) V. BEAR CREEK MINING
DDATE:
19830920
TTEXT:

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 83-201
A.C. No. 15-12515-03502

v.

Mine No. 2

BEAR CREEK MINING COMPANY,
RESPONDENT

Docket No. KENT 83-202
A.C. No. 15-12339-03505

Mine No. 1

DEFAULT DECISIONS

Before: Judge Melick

A Notice of Hearing was issued on August 22, 1983, for hearings to commence in these cases on September 22, 1983, in Knoxville, Tennessee. Said Notice was returned from the address provided by Respondent marked, presumably by the U.S. Postal Service, "Moved, left no address". Additional efforts were made to locate a representative for Respondent but without success.

Commission Rule 5(c), 29 CFR 2700.5(c), requires that the parties "promptly" give written notice of any change of address or business telephone number. It is apparent that Respondent has failed to comply with the requirements of said rule, thereby making it impossible to serve notice upon it and to grant its request for hearing. Issuance of a show cause order would obviously be futile under the circumstances. I accordingly find that Respondent has waived its right to a hearing in these cases and I hereby issue decisions by default granting the Secretary's requests for civil penalties.

ORDER

The Bear Creek Mining Company is Ordered to pay the following civil penalties within 30 days of the date of this decision:

~1596

Docket No.	Citation/Order No.	Amount
KENT 83-202	2054104	\$195
KENT 83-201	2054101	84
	2054102	84
		\$363

Gary Melick
Assistant Chief Administrative Law Judge