

CCASE:  
SOL (MSHA) V. BROAS MINING  
DDATE:  
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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 PROCEEDING

Docket No. KENT 83-245  
A.C. No. 15-11601-03504

BROAS MINING COMPANY,  
RESPONDENT

No. 5 Surface

DECISION

Before: Judge Kennedy

The operator having failed to show cause why its failure to respond to the pretrial order in this matter should not be deemed a default, it is found said dereliction is a default that authorizes entry of a summary order assessing the proposed penalty as a final order of the Commission. 29 C.F.R. 2700.63.

The premises considered, therefore, it is ORDERED that the operator pay a penalty of \$206.00 for the violation charged. It is FURTHER ORDERED that the operator pay the penalty assessed, \$206.00, on or before Friday, February 17, 1984 and that subject to payment the captioned matter be DISMISSED.

Joseph B. Kennedy  
Administrative Law Judge