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SOL (MSHA) v. BRADFORD COAL  
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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. PENN 82-91  
A.C. No. 36-03247-03021

v.

Cooper No. 2 Prep. Plant

BRADFORD COAL COMPANY, INC.,  
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Fauver

An Order to Show Cause was entered on April 22, 1985, because of Petitioner's long and unexplained delay and failure to file a post-hearing brief.

Petitioner's Response to Order to Show Cause, filed on May 13, 1985, reflects a decision not to file a brief in this case. Such position amounts to a failure of prosecution of his case by failing to present his contentions, arguments, reliance upon and references to the evidence, and proposals for specific findings, conclusions, and penalty with the reasons therefor.

WHEREFORE IT IS ORDERED that this proceeding is DISMISSED for want of prosecution after the evidentiary hearing.

William Fauver  
Administrative Law Judge