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SOL (MSHA) v. KING JAMES 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

v.

KING JAMES COAL COMPANY, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 84-198
A.C. No. 15-12977-03508

Docket No. KENT 84-199
A.C. No. 15-12977-03510

SUMMARY DECISIONS AND ORDERS

Before: Judge Koutras

Statement of the Proceedings

These proceedings concern civil penalty proposals filed by the petitioner against the respondent pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a), seeking civil penalty assessments in the amount of \$236 for eight alleged violations of certain mandatory safety standards found in Part 75, Title 30, Code of Federal Regulations.

These cases have been pending in the Commission since August, 1984, and they were recently reassigned to me for adjudication. In view of the respondent's failure to communicate with the petitioner's counsel concerning its present whereabouts, and its failure to submit certain documentation concerning its financial condition, I issued an Order on June 13, 1985, requiring the parties to show cause as to why the respondent should not be held in default and the cases disposed of by summary order pursuant to 29 C.F.R. 2700.63, assessing MSHA's proposed civil penalties as final.

Discussion

The respondent has failed to respond to the petitioner's request to furnish information concerning its financial condition, and has also failed to respond to my previous order concerning the proposed disposition of these cases. Under the circumstances, I conclude and find that the respondent is in default, and that these proceedings may be disposed of pursuant to the Commission's summary disposition procedures found in 29 C.F.R. 2700.63.

ORDER

In view of the respondent's default, and pursuant to the provisions of 29 C.F.R. 2700.63(b), the respondent is assessed civil penalties for the violations in question, as follows:

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Citation No.	Date	30 C.F.R. Section	Assessment
2294251	2/23/84	75.316	\$ 20
2294252	2/27/84	75.1722(b)	39
2294254	2/27/84	75.313	20
2294255	2/27/84	75.1719-1(d)	20
2294256	2/27/84	75.1100-2(e)(2)	39
2294257	2/27/84	75.1101	39
2294258	2/27/84	75.400	39
			\$216

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Citation No.	Date	30 C.F.R. Section	Assessment
2294253	2/27/84	75.1719-1(d)	\$ 20

Respondent IS ORDERED to pay civil penalties in the amounts shown above for the violations in question, and payment is to be made to the petitioner within thirty (30) days of the date of this order.

George A. Koutras
Administrative Law Judge