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SOL (MSHA) v. CIRCLE J. 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. KENT 84-217
A.C. No. 15-08906-03508

v.

No. 3 Mine

CIRCLE J. COAL COMPANY, INC.,
RESPONDENT

DECISION

Before: Judge Fauver

This case was set for hearing on December 4, 1985, pursuant to notice of hearing issued on September 18, 1985, under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. The notice of hearing required the parties to file prehearing statements not later than November 26, 1985.

Respondent did not file a prehearing statement. Because of this failure, Respondent was issued a Show Cause Order on November 29, 1985, giving Respondent 15 days to show cause why it should not be held in default and the proposed penalties be assessed without further proceedings herein. Respondent has not responded to the Show Cause Order.

ORDER

WHEREFORE IT IS ORDERED that:

1. The allegations of fact in Citation No. 2167760, June 4, 1984, Citation No. 2291403, June 4, 1984, and Citation No. 2291404, June 4, 1984, are deemed to be true and are hereby incorporated in FINDINGS OF FACT herein.
2. The allegations of violations in the above citations are deemed to be true and are hereby incorporated as CONCLUSIONS OF LAW herein.

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3. Respondent is ASSESSED the following civil penalties for the violations found herein:

CITATION NO.	CIVIL PENALTY
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2167760	\$20
2291403	\$46
2291404	\$20

4. Respondent shall pay the above-assessed civil penalties in the total amount of \$86 within 30 days of this Decision.

William Fauver
Administrative Law Judge