

CCASE:
SOL (MSHA) V. ADAMS STONE
DDATE:
19860131
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 85-121-M
A.C. No. 15-00056-05502

v.

Jenkins Mine & Mill

ADAMS STONE CORPORATION,
RESPONDENT

DECISION

Before: Judge Fauver

This case is scheduled for hearing in Lexington, Kentucky,
on April 7, 1986.

Respondent has filed a statement that it will not attend the
hearing. This statement is deemed to be a waiver of Respondent's
hearing rights and a withdrawal of its contest of the Secretary's
Proposal for Assessment of Civil Penalty.

ORDER

WHEREFORE IT IS ORDERED that:

1. The allegations in the Secretary's Order No. 2385598,
January 16, 1985, and amended on January 20, 1985, are deemed to
be true and are incorporated herein as Findings of Fact and
Conclusions of Law.

2. Considering the criteria of section 110(i) of the Federal
Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq.,
Respondent is ASSESSED a civil penalty of \$180 for each of the
four violations alleged in the attachments to the Secretary's
Proposal for Civil Penalty.

3. Respondent shall pay the above-assessed civil penalties
in the total amount of \$720 within 30 days of this Decision.

William Fauver
Administrative Law Judge