

CCASE:  
SOL (MSHA) C. RICHARDS COAL & MYLU 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 PROCEEDINGS

Docket No. CENT 85-69  
A.C. No. 34-01404-03505

v.

Docket No. CENT 85-70  
A.C. No. 34-01404-03506

RICHARDS COAL COMPANY,  
AND  
MYLU COAL COMPANY, INC.,  
RESPONDENTS

Taft No. 1 Mine

SUMMARY DECISIONS AND ORDERS

Before: Judge Koutras

Statement of the Proceedings

These proceedings concern civil penalty proposals filed by the petitioner against the respondents 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 \$200 for three alleged violations of certain mandatory standards found in Parts 50, 71, and 77, Title 30, Code of Federal Regulations.

The proposed civil penalty assessments were mailed to the respondents by the petitioner on May 28, 1985. However, the respondents have failed to file any answers, and subsequent orders requiring them to answer have been returned by the postal service as undeliverable.

By letter dated March 13, 1986, petitioner's counsel advised me that she was informed by the MSHA Subdistrict Office in McAlester, Oklahoma, that the Mylu Coal Company was the unsuccessful successor of the Richards Coal Company and that the mine has been abandoned since at least July, 1985. Counsel also advised that all mobile equipment has been removed from the property and the mine has been placed in a nonproducing status.

Discussion

The respondents have failed to answer the proposals for assessment of civil penalties as required by Commission Rule 29 C.F.R. 2700.28. They have also failed to respond to the subsequent orders issued by me and by Chief Judge Merlin. Under the circumstances, I conclude and find that the respondents are in default, and that these proceedings may be disposed of pursuant to the Commission's summary disposition procedures pursuant to 29 C.F.R. 2700.63.

ORDER

In view of the respondents default, and pursuant to the provisions of 29 C.F.R. 2700.63(b), the respondents are jointly and severally assessed civil penalties for the violations in question, as follows:

CENT 85Ä69

Citation No.	Date	30 C.F.R. Section	Assessment
9947390	11/27/84	71.802	\$ 106

CENT 85Ä70

Citation No.	Date	30 C.F.R. Section	Assessment
2218437	12/19/84	50.30(a)	\$ 20
2218639	1/7/85	77.1701(a)	\$ 74

The respondents ARE ORDERED to pay the civil penalties in the amounts shown above for the violations in question, and payment is to be made to MSHA within thirty (30) days of the date of these decisions and order.

George A. Koutras  
Administrative Law Judge