

CCASE:
SOL (MSHA) V. DOROTHY MAE COAL
DDATE:
19860530
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. VA 85-14
A.C. No. 44-01904-03535

v.

Docket No. VA 85-25
A.C. No. 44-01904-03540

DOROTHY MAE COAL CO., INC.,
RESPONDENT

No. 16 Mine

DEFAULT DECISION

Before: Judge Maurer

On May 12, 1986, a show cause order was issued in the subject proceedings giving respondent until ten (10) days thereafter to provide some explanation as to why it should not be defaulted for failing to comply with my April 9, 1986, order compelling answers to the petitioner's interrogatories.

Petitioner's interrogatories, which I find to be reasonable in number and in nature, were served upon the respondent on February 28, 1986. On March 28, 1986, petitioner moved for an order to compel answers. On April 9, 1986, I issued an order compelling answers to those interrogatories, which order directed respondent to serve responses "immediately" upon the petitioner. On April 22, 1986, petitioner still had no answers to his interrogatories and thus filed the instant motion for a default judgment.

Respondent, for its part, has failed to file either the answers to the interrogatories, an explanation for not filing those answers, or a response to the petitioner's motion for default judgment and is accordingly deemed to have waived its right to a hearing. The proposed civil penalties shall therefore be made the final order of the Commission.

WHEREFORE IT IS ORDERED that respondent pay the Secretary's proposed civil penalties in the amount of \$7,260 within 30 days of this decision.

Roy J. Maurer
Administrative Law Judge