

CCASE:
SOL (MSHA) V. THOMPSON COAL & CONSTRUCTION
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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. WEVA 85-119
A.C. No. 46-06646-03502

v.

Docket No. WEVA 85-124
A.C. No. 46-06646-03503

THOMPSON COAL & CONSTRUCTION,
INC.,
RESPONDENT

River Mine

ORDER DENYING MOTIONS TO SET ASIDE ORDERS OF DEFAULT

Before: Judge Broderick

On June 13, 1986, the operator filed motions to set aside orders of default and permit filing of answer. Orders of default in these cases were entered on April 27 and April 28 for failure of the operator to submit answers. Pursuant to section 113 of the Federal Mine Safety and Health Act of 1977, these orders became final Commission decisions on June 6 and June 7. No sufficient reason has been offered which would justify relief from the judgment as provided by Rule 60(b) of the Federal Rules of Civil Procedure, as referenced by Commission Rule 1(b), 29 C.F.R. 2700.1(b).

Accordingly, the motions to set aside the default orders in these cases are DENIED.

James A. Broderick
Acting Chief Administrative Law Judge