

CCASE:
SOL (MSHA) V. M.M SUNDT 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. CENT 86-6-M
A.C. No. 29-01936-05503

v.

Sundt Crusher

M.M. SUNDT CONSTRUCTION CO.,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Morris

Respondent failed to comply with a prehearing order issued on June 6, 1986 and further failed to comply with an order to show cause issued on June 26, 1986.

Accordingly, I find respondent in default and I enter the following:

ORDER

1. The order of June 26, 1986 granting the Secretary additional time to comply with the prehearing order is vacated.
2. The notice of contest filed by respondent is dismissed.
3. Citation 2091027 and the proposed penalty of \$20 are affirmed.
4. Citation 2091028 and the proposed penalty of \$20 are affirmed.
5. Respondent is ordered to pay to the Secretary the sum of \$40 within 40 days of the date of this order.

John J. Morris
Administrative Law Judge