

CCASE:  
SOL (MSHA) V. MEARS ENTERPRISES  
DDATE:  
198700422  
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. PENN 87-11  
A.C. No. 36-02628-03529

v.

Bear Run #1

MEARS ENTERPRISES, INC.,  
RESPONDENT

DECISION

Before: Judge Fauver

On March 27, 1987, because of Respondent's failure to comply with a prehearing order, a show cause order was issued allowing Respondent until April 9, 1987, to explain, in writing, why it should not be deemed to have waived its right to a hearing and the Secretary's proposed penalties should not become the final order of the Commission.

Respondent has failed to file a response to the show cause order, and is hereby deemed to be in default and 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 shall pay the Secretary's proposed civil penalties in the amount of \$3,500.00 within 39 days of this decision.

William Fauver  
Administrative Law Judge