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SOL (MSHA) V. WESTERN CONTRACTORS  
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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. VA 86-36  
A.C. No. 44-04856-03502 A6R

v.

Buchanan No. 1 Mine

WESTERN AVELLA CONTRACTORS,  
INC.,  
RESPONDENT

ORDER OF DEFAULT

On June 26, 1986, the Secretary of Labor filed a Petition to Assess Civil Penalties for alleged violations of the Federal Mine Safety and Health Act of 1977. Respondent filed its Answer on August 25, 1986. On October 14, 1986, I entered an Order directing the Parties to discuss settlement and stipulate as to matters not in dispute. In a telephone conversation, on February 26, 1987, between Counsel for both Parties and myself, Counsel for Respondent advised that due to financial considerations Respondent could neither enter into a settlement or further defend this matter.

On April 16, 1987, Petitioner filed a Motion for a Default Judgment. In this Motion, Respondent has consented to a default order assessing a civil penalty of \$15,770.

Accordingly, it is ORDERED that Respondent is in default. It is further ORDERED that the civil penalties of \$15,770 proposed in the Secretary's Petition, be imposed as the final order of the Commission. It is therefore ORDERED that the Respondent shall pay such penalties in the amount of \$15,770 within 30 days of the date of this Order.

Avram Weisberger  
Administrative Law Judge  
(703) 756-6210