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SOL (MSHA) V. BABCOCK MINING
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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)
ON BEHALF OF
DAVID WILLIS,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEVA 87-106-D

HOPE CD 86-24

HOPE CD 87-2

v.

No. 1 Mine

BABCOCK MINING CO.;
HENRY MCCOY, INDIVIDUALLY
AND AS OPERATOR OF BABCOCK
MINING CO.; VIRGIL MCMILLION,
INDIVIDUALLY AND AS OPERATOR
OF MCMILLION ENP., INC.,
MCMILLION ENP., INC., CRAFT
COAL COMPANY,
RESPONDENTS

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF ALBERT HALSTEAD,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEVA 87-107-D

HOPE CD 87-1

HOPE CD 87-4

v.

BABCOCK MINING CO.;
HENRY MCCOY, INDIVIDUALLY
AND AS OPERATOR OF BABCOCK
MINING CO., VIRGIL MCMILLION,
ENP, INC.; CRAFT COAL COMPANY,
RESPONDENTS

No. 1 Mine

DEFAULT DECISION

Before: Judge Fauver

On October 6, 1987, an Order to Respondents to Show Cause was issued, allowing Respondents 10 days to show cause why the Secretary's Motion for a Default Decision should not be granted in each of the above cases.

Respondents have not responded to the Show Cause Order. The Secretary has moved to withdraw Craft Coal Company as a Respondent, and asks for a default decision against the other Respondents.

ORDER

FOR GOOD CAUSE SHOWN IT IS ORDERED:

1. The Secretary's Motion to Withdraw Craft Coal Company as a Respondent is GRANTED, and the above cases are DISMISSED as to Craft Coal Company. The hearing scheduled for October 27, 1987, is CANCELLED.

2. The Secretary's Motion for a Default Decision against the other Respondents shown above is GRANTED in each of the above cases. The allegations of the Petition in each case are deemed to be true and are incorporated herein as Findings of Fact and Conclusions of Law in each case respectively. The Secretary shall have 10 days from this date to submit a proposed order for relief in each of the above cases.

3. This Decision shall not operate as a final disposition of these cases until an order for relief is entered in each of the above cases.

William Fauver
Administrative Law Judge