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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. WEVA 88-46
A.C. No. 46-03092-03678

v.

Beckley Mine

BECKLEY COAL MINING CO.,
RESPONDENT

ORDER OF DEFAULT

Before: Judge Broderick

On December 14, 1987, 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 did not file an answer to the petition.

On February 25, 1988, an order was issued to Respondent to show cause why it should not be deemed to have waived its right to a hearing and why the proposed order of assessment issued by the Secretary should not summarily be issued as the final order of the Commission. On March 4, 1988, Respondent filed "an informational response" to the order to show cause, advising that Respondent had filed a petition for reorganization under the Federal Bankruptcy Act. Respondent stated that it had been directed not to defend this proceeding. On March 8, 1988, the case was assigned to me. On April 8, 1988, Petitioner filed a Motion for Default Judgment. Respondent has not replied to the motion.

Therefore, IT IS ORDERED that Respondent is IN DEFAULT. It is UFRTHER ORDERED that the penalties proposed in the Assessment Order attached as Exhibit A to the petition in the total amount of \$750 are imposed as the final order of the Commission. IT IS FURTHER ORDERED that Respondent shall pay such penalties in the amount of \$750 within 30 days of the date of this order.

James A. Broderick
Administrative Law Judge