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SOL (MSHA) V. WESTRICK COAL  
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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

v.

WESTRICK COAL COMPANY,  
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. PENN 88-21  
A.C. No. 36-07571-03515

JPLMJ Strip Mine

ORDER OF DEFAULT

On June 30, 1988, in response to Petitioner's Motion to Dismiss Respondent's Notice of Contest, a Show Cause Order was issued which ordered Respondent as follows: "Failure of Respondent by July 11, 1988, to respond to the Prehearing Order or show cause why it has not responded to the Prehearing Order shall result in the Dismissal of Respondent's Notice of Contest, and a default judgment will be entered in favor of the Solicitor ordering the Respondent to pay the assessed penalties of \$482.00.

To date, Respondent has not responded to the Show Cause Order. Accordingly, it is found that the Respondent is in default, and it is ORDERED that a default judgment be entered in favor of Petitioner. It is further ORDERED that Respondent, within 30 days of this Order, pay the assessed penalty of \$482. It is further ORDERED that the Hearing in this matter, set for July 26, 1988, be canceled.

Avram Weisberger  
Administrative Law Judge