

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

May 12, 1989

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 88-178
Petitioner	:	A. C. No. 15-08333-03525
	:	
v.	:	No. 4 Mine
	:	
CAMP FORK FUEL COMPANY,	:	

ORDER OF DISMISSAL

Before: Judge Merlin

On March 15, 1989, a Decision Approving Penalty and Order of Dismissal was entered in this case. On March 24, 1989, the Secretary filed a Motion for Reconsideration of the Order of Dismissal on the ground that the penalty had not been paid. In an Order dated April 7, 1989, the Commission vacated the dismissal and remanded this case for further appropriate proceedings.

On April 10, 1989, an order was issued in accordance with the Commission remand directing that within 21 days the parties confer and advise whether a hearing would be necessary. On April 24, 1989, the Solicitor advised as follows:

The records of the Civil Penalty Processing Unit, Mine Safety and Health Administration, United States Department of Labor (MSHA), establish that the Respondent mailed check number 12087 dated October 9, 1988, to the Department of Labor. This check was in the amount of \$927.00.

Attached to this check was a Proposed Assessment form on which the Respondent had indicated that \$441.00 of this amount was to be credited to this assessment number and that this \$441.00 was for payment of the five uncontested violations in A. C. Number 15-08333-03525. The remaining \$486.00 was credited to other civil money penalty assessments for which the Respondent owed payment, as was duly indicated by the Respondent in the transmittal of the check to MSHA.

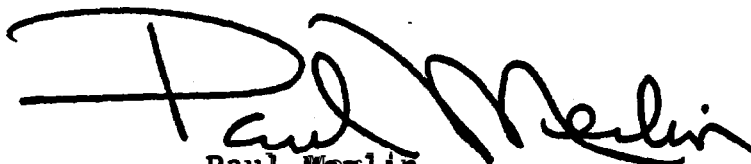
By letter of April 13, 1989, Linda Cantrell, Camp Fork Fuel Company, transmitted

to the Federal Mine Safety and Health Review Commission a check in the amount of \$295.00 for the remaining assessed penalties. She stated that the omission of this amount from the first check was an innocent oversight.

Finally, the Solicitor stated that no hearing was required. The Solicitor's representations are accepted.

ORDER

In light of the foregoing, this case is DISMISSED.

A handwritten signature in black ink, appearing to read "Paul Merlin". The signature is stylized with a large, sweeping initial "P" and "M".

Paul Merlin  
Chief Administrative Law Judge

Distribution:

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Ms. Linda Cantrell, Bookkeeper, Camp Fork Fuel Company, Box C, **Elkhorn** City, KY 41522 (Certified Mail)

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