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SOL (MSHA) v. HICKORY COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

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

v.

HICKORY COAL COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. PENN 90-49
A. C. No. 36-07783-03516

Slope No. 1 Mine

FINAL ORDER

Before: Judge Fauver

My decision of July 2, 1991, found that Respondent violated 103(a) of the Federal Mine Safety and Health Act, 30 U.S.C. 801 et seq. This matter has been pending assessment of a civil penalty for the violation.

The record indicates that the Department of Justice has obtained a default judgment against Respondent for the arrearages of unpaid civil penalties referred to in my decision. It appears that Respondent is now exploring with the Justice Department the possibility of a schedule of payments to satisfy the judgment.

Considering the facts of the violation found in this case, Respondent's financial condition, and all the criteria for a civil penalty in 110(i) of the Act, I find that a civil penalty of \$600 is appropriate for the violation found in this case.

WHEREFORE IT IS ORDERED that Respondent shall pay a civil penalty of \$600, in three monthly installments of \$200 on November 1, 1991, December 1, 1991, and January 1, 1992; provided: if any installment of \$200 is not paid when due, the entire remainder of the civil penalty shall become due immediately.

William Fauver
Administrative Law Judge