

CCASE:
SOL (MSHA) V. R. MULLINS (TEANIK COAL)
DDATE:
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TTEXT:

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,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 93-260
Petitioner	:	A.C. No. 46-07721-03547-A
v.	:	
	:	Mine: No. 18
RONALD J. MULLINS, employed by:	:	
TEANIK COAL, INC.,	:	
Respondent	:	

DECISION

Appearances: J. Philip Smith, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia, for
Petitioner;

Before: Judge Fauver

This is an action for civil penalties under 110(c) of the
Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801
et seq. The case was called to hearing at Logan, West Virginia,
on July 6, 1994, pursuant to a Notice of Hearing served upon the
parties.

Counsel for the Secretary appeared with witnesses and
documentary evidence. Respondent did not appear, and therefore
was held in default.

Testimony and documentary evidence were received from the
government. Based upon the evidence, a bench decision was
entered finding Respondent in default, finding facts as to each
of the alleged violations, entering conclusions of law and
finding Respondent in violation as charged, and assessing civil
penalties based upon the criteria for civil penalties in 110(i)
of the Act.

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This decision confirms the bench decision.

ORDER

WHEREFORE IT IS ORDERED that, within 30 days of the date of this decision, Respondent shall pay civil penalties of \$1,000.00 for the violations found in the bench decision on July 6, 1994.

William Fauver
Administrative Law Judge

Distribution:

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Mr. Ronald J. Mullins, P.O. Box 322, Mallory, WV 25634

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