

CCASE:
SOL (MSHA) V. EASTSIDE ROCK
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SECRETARY OF LABOR : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) : Docket No. WEST 92-318-M
Petitioner : A. C. No. 45-00087-05531
:
v. :
:
Sunset Quarry
EASTSIDE ROCK PRODUCTS, :
Respondent :

ORDER OF DEFAULT

Before: Judge Merlin

This case is before me pursuant to Order of the Commission dated February 23, 1994.

On March 8, 1994, I issued an order vacating the order of dismissal previously entered and reinstating this case. Upon a motion from the Secretary I determined that this matter had been dismissed in error because the penalty assessment did not involve excessive history.

The March 8 order also directed the operator to file an answer to the penalty petition a copy of which was enclosed with the order. The operator had not submitted an answer at the time of the erroneous dismissal. The file contains the return receipt showing that the operator received the March 8 order on March 11, 1994. On June 3, 1994, a show cause order was issued directing the operator to file an answer. The operator was advised that failure to file an answer will result in the operator being placed in default. To date no answer has been received.

In light of the foregoing, it is ORDERED that the operator be held in DEFAULT and the operator is ORDERED TO PAY \$406 immediately.

Paul Merlin
Chief Administrative Law Judge

Distribution: (Certified Mail)

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