

CCASE:
UMWA (LOCAL 5817) V. MUTUAL MINING INC.
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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

UNITED MINE WORKERS OF : COMPENSATION PROCEEDING
AMERICA ON BEHALF OF :
LOCAL 5817, : Docket No. WEVA 94-284-C
Complainants :
v. :
 : Mutual No. 1 Mine
MUTUAL MINING INCORPORATED, :
Respondent :

DEFAULT DECISION

Before: Judge Melick

On August 1, 1994, Respondent, Mutual Mining Incorporated, was ordered to file an Answer to the Complaint for Compensation within 30 days of that date or show good reason for failing to do so.

To date no response to the above order has been received. Accordingly, Respondent is in default and is hereby ORDERED to pay compensation within 30 days of the date of this order to the miners listed in Exhibit "E" attached to the Complaint for Compensation and in the amounts enumerated, plus interest to the date of payment, calculated in accordance with the formula set forth by the Commission in Secretary on behalf of Bailey v. Arkansas-Carbona Co., 5 FMSHRC 2642 (1983) and as applicable, Loc. U. 2274, UMWA v. Clinchfield Coal Co., 10 FMSHRC 1493 (1988), aff'd sub nom. Clinchfield Coal Co. v. FMSHRC, No. 88-1873 (D.C. Cir., February 9, 1990).

Gary Melick
Administrative Law Judge

Distribution:

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