

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041**

March 9, 1996

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 95-29-M
Petitioner	:	A.C. No. 03-01640-05511
v.	:	
	:	Docket No. CENT 95-30-M
REB ENTERPRISES, INCORPORATED,	:	A.C. No. 03-01640-05512
Respondent	:	
	:	REB Enterprises Inc.
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 95-239-M
Petitioner	:	A.C. No. 03-01640-05517 A
v.	:	
	:	REB Enterprises, Inc.
HAROLD MILLER,	:	
Employed by REB ENTERPRISES,	:	
INC.,	:	
Respondent	:	
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 95-240-M
Petitioner	:	A.C. No. 03-01640-05518 A
v.	:	
	:	REB Enterprises Inc.
RICHARD E. BERRY,	:	
Employed by REB ENTERPRISES,	:	
INC.,	:	
Respondent	:	

ORDER OF DEFAULT

Before: Judge Weisberger

On January 12, 1996, Petitioner filed a Motion for Default asserting that Respondents have not filed any response to the prehearing order issued on January 23, 1995. Petitioner further

asserts that Respondents Miller and Berry have not filed an answer to the Petitions for Assessment of Penalty filed in Docket Nos. CENT 95-239-M, and 95-240-M. A Certificate of Service appended to the Motion contains a certification by Petitioner's Counsel that on January 12, 1996, she mailed a copy

of "the foregoing pleading ... upon all parties, representatives" To date, none of the Respondents filed a response to Petitioner's motion. Accordingly, and based on the assertions set forth in the motion, it is granted.

It is **ORDERED** that the citations issued in these cases, and the associated penalties sought are affirmed. It is further **ORDERED** that within 30 days, Respondents shall pay a civil penalty as follows: REB Enterprise-\$7,550; Richard E. Berry-\$1,600; and Harold Miller-\$1,200.

Avram Weisberger
Administrative Law Judge

Distribution:

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(Certified Mail)

Mr. Harold Miller, 452 Perry Road, Springdale, AR 72764
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Richard E. Berry, Owner, REB Enterprises, Inc., Limestone Rock Products, P.O. Box 1639, 740 Highway 264 East, Springdale, AR 72765-1639 (Certified Mail)

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