

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

March 4, 1996

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 95-322
Petitioner	:	A.C. No. 15-17164-03544
v.	:	
	:	Docket No. KENT 95-388
NARROWS BRANCH COAL INC.,	:	A.C. No. 15-17164-03545
Respondent	:	
	:	Docket No. KENT 95-424
	:	A.C. No. 15-17164-03546
	:	
	:	Docket No. KENT 95-447
	:	A.C. No. 15-17164-03547
	:	
	:	Mine No. 1

DEFAULT DECISION

Before: Judge Weisberger

On January 24, 1996, an order was issued which provided as follows:

It is **ORDERED** that Respondent shall within 10 days of this order either file a statement setting forth good cause why it should not be held in default, or sign and file the original joint motion to approve settlement. If Respondent shall not comply with this Order, a default decision will be issued finding Respondent in default, and ordering Respondent to pay a civil penalty of \$33,947, the total amount sought by Petitioner in the Petitions for Assessment of Penalty filed in these cases.

Respondent has not complied with this Order. Respondent has not filed a statement setting forth good cause why it should not be held in default; nor has it signed and filed the original Joint Motion to Approve Settlement.

Accordingly, it is found that Respondent is in default, and

it is ORDERED that Respondent pay a civil penalty of \$33,947.

Avram Weisberger
Administrative Law Judge

Distribution:

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