

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, D.C. 20001

January 14, 2008

BANNER BLUE COAL COMPANY,	:	CONTEST PROCEEDING
Contestant	:	
v.	:	Docket No. VA 2006-57-R
	:	Citation No. 7316850; 09/07/2006
	:	
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Apollo Mine
ADMINISTRATION (MSHA),	:	Mine ID 44-03317
Respondent	:	

**DEFAULT DECISION**

On October 4, 2007, a show cause order was issued in this case for the Secretary's failure to respond to an order of the undersigned judge and requiring a response on or before October 26, 2007. To date, no response has been received. Wherefore this contest is granted and Order No. 7316850 is hereby vacated.

Gary Melick  
Administration Law Judge  
(202) 434-9977

Distribution: (Certified Mail)

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