

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

SEP 28 1984

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket Nos. KENT 82-109
Petitioner	:	KENT 82-121
	:	KENT 82-147
v.	:	A.C. Nos. 15-11652-03019
	:	15-11652-03020
	:	15-11652-03501
STERLING ENERGY, INC.,	:	
Respondent	:	Ely Hollow Deep Mine

DECISION

Appearances: Thomas A. Grooms, Esq., Office of the Solicitor,
 U.S. Department of Labor, for Petitioner:
 Respondent failed to appear at the hearing.

Before: Judge Fauver

On February 10, 1984, a Decision Approving Settlement in Part and Ordering More Information was entered. In response, the Secretary of Labor submitted further information as to the parts of the proposed settlement that were not approved.

After considering the additional information, I determined that the cases should go to hearing. Pursuant to notice of hearing, the cases were called for hearing at Knoxville, Tennessee on July 24, 1984. Counsel for the Secretary appeared, with his witnesses and documentary evidence. Respondent did not appear at the hearing. Accordingly, a default hearing was held. After considering the evidence and the statutory criteria for assessment of civil penalties, I entered a decision from the bench, assessing Respondent the following civil penalties:

<u>Citation</u>	<u>Civil Penalty</u>
988430	\$56
988431	56
988432	500
988433	200
988434	500
988435	32
1205543	32
1205544	160
1205545	98
1205546	56

1255547	240
1205548	48
1205549	180
1205551	210
1205552	32
1205553	32
1205554	32
1205559	240
988585	60
9934970	36
1205550	2 0 0
9936078	50
1205571	200
1205572	200
1205573	50
1205574	85
1206199	50
1206200	50
1209241	300
1209242	200
1209243	50
2005001	250
2005002	75
2005003	75
2005005	5 0

\$4685.00

This Decision incorporates the **findings in the bench decision** for each citation and the **findings in the Decision** entered on February 10, 1984.

ORDER

WHEREFORE IT IS ORDERED that Respondent shall pay the above civil penalties, in the total amount of \$4685.00, within 30 days from this date.

William Fauver

William Fauver
Administrative Law Judge

Distribution:

Carole M. Fernandez, Esq., and Thomas A. Grooms, Esq.,
Darryl Stewart, Esq., U.S. Department of Labor, Office of
the Solicitor, 280 U.S. Courthouse, 801 Broadway, Nashville,
TN 37203 (Certified Mail)

Mr. Ralph Ball, President, Sterling Energy, Inc., P.O. Box
1528, LaFollette, TN 37766 (Certified Mail)

/kg

2299