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SOL (MSHA) V. FAIR CHANCE MINES
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. WEST 82-204-M
A.C. No. 05-03657-05501

v.

Fair Chance Mine

FAIR CHANCE MINES, INC.,
RESPONDENT

DECISION

Appearances: Robert J. Lesnick, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado, for
Petitioner;
No appearance for Respondent.

Before: Judge Carlson

Pursuant to notice, a hearing on the merits in this civil penalty proceeding was convened at 10:00 a.m. on January 11, 1985 at the Commission's hearing room in Denver, Colorado. No appearance was made by or on behalf of the respondent mine operator. At 10:33 a.m., counsel for the Secretary of Labor was permitted to present his case through the testimony of the mine inspector and introduction of photographic exhibits. At the close of his case, the Secretary's counsel moved for the entry of a judgment by default. The motion was taken under advisement.

By order issued and mailed on January 11, 1985, respondent's representative was notified that a decision affirming the violations alleged and assessing the proposed civil penalties would be entered by default unless respondent showed good cause for its failure to appear. The time for response has now expired, and nothing has been filed.

ORDER

Accordingly, respondent is declared to be in default for failure to appear. The alleged violations and appropriateness of the proposed penalties having been proved in open hearing,

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respondent is hereby ORDERED to pay the following civil penalties immediately: for Citation 334930, \$112.00; for Citation 334933, \$20.00; for Citation 2009704, \$122.00; for Citation 2009706, \$170.00.

SO ORDERED.

John A. Carlson
Administrative Law Judge