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SOL (MSHA) V. LAKE FORK PIT  
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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 84-53-M  
A.C. No. 10-01249-05501

v.

Lake Fork Pit

LAKE FORK GRAVEL, INC.,  
RESPONDENT

ENTRY OF DEFAULT AND FINAL DECISION  
AND ORDER OF ASSESSMENT

Before: Judge Lasher

Respondent, Lake Fork Gravel, Inc., has failed to respond to my Order to Show Cause dated February 26, 1985. Respondent has also failed to comply with the Prehearing Requirements set forth in the Notice of Hearing herein dated February 7, 1985, in two respects. First, it has failed to respond to initiatives of counsel for the Petitioner, Rochelle Kleinberg, to communicate with it to comply with such requirements.(Footnote.1) Secondly, Respondent has failed to file with the undersigned the written submissions required by the second paragraph of such prehearing requirements. Thus, Respondent effectively has become unreachable by all reasonable processes of communication and has otherwise failed to establish good cause for its various failures to comply with standard prehearing requirements. Accordingly, it is found to be in default and to have waived its right to a hearing and to contest the proposed penalties for the 6 violations alleged and described in Petitioner's Proposal for Assessment of Penalty. 29 C.F.R. 2700.63.

