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SOL (MSHA) V. KELSO COAL  
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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. WEVA 87-15  
A.C. No. 46-07103-03501

v.

Williams Mountain No. 1

KELSO COAL COMPANY, INC.,  
RESPONDENT

DECISION

Before: Judge Fauver

On April 29, 1987, because of Respondent's failure to comply with a prehearing order, a show cause order was issued allowing Respondent until May 11, 1987, to show cause in writing why it should not be held in default and ordered to pay the civil penalties proposed by the Secretary of Labor.

Respondent has failed to file a response to the show cause order, and is hereby deemed to be in default and to have waived its right to a hearing. The proposed civil penalties shall therefore be made the final order of the Commission.

WHEREFORE IT IS ORDERED that Respondent shall pay the secretary's proposed civil penalties in the amount of \$340.00 within 30 days of this Decision.

William Fauver  
Administrative Law Judge