

CCASE:  
SOL (MSHA) V. BRUSH CREEK COAL  
DDATE:  
19900207  
TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. KENT 89-117  
A.C. No. 15-11018-03530

v.

Mine No. 1

BRUSH CREEK COAL INC.,  
RESPONDENT

DECISION

Appearance: G. Elaine Smith, U.S. Department of Labor,  
Office of the Solicitor, Nashville, Tennessee,  
for Petitioner;  
No appearance on behalf of Brush Creek Coal, Inc.

Before: Judge Melick

At hearings scheduled to commence on January 17, 1990 at  
2:00 p.m., in Johnson City, Tennessee no representative of the  
Respondent appeared.

Thereafter on January 22, 1990 an Order to Show Cause was  
issued to provide Respondent an opportunity until February 1,  
1990 to explain its failure to send a representative to appear at  
the scheduled hearings. To date no response to the show cause  
order has been filed.

Accordingly the Respondent is in default.

ORDER

Brush Creek Coal, Inc., is directed to pay civil penalties  
of \$90 within 30 days of the date of this decision.

Gary Melick  
Administrative Law Judge  
(703) 756-6261