

CCASE:
MSHA V. EARTH COAL
DDATE:
19830804
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
WASHINGTON, DC
August 4, 1983

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

v. Docket No. LAKE 83-32

EARTH COAL COMPANY, INC.

DIRECTION FOR REVIEW AND ORDER

The petition for discretionary review filed by the operator on July 27, 1983 is granted. We find the order of default entered by the chief administrative law judge to have been appropriate under the circumstances then before him. However, the operator, who is pro se in this matter, has made statements in the petition for review which the judge has not had an opportunity to evaluate. Accordingly, the case is remanded to the chief administrative law judge for such proceedings as he may deem appropriate, including but not limited to actions to ascertain and evaluate the operator's reasons for failing to respond to the judge's April 26, 1983 Order to Show Cause.

Richard V. Backley, Commissioner