

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

OCT 9 1984

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No: KENT 84-92
Petitioner	:	A/O No: 15-02162-03513
	:	
v.	:	South Hopkins No. 2
	:	
	:	
SOUTH HOPKINS COAL COMPANY,	:	
Respondent	:	

DEFAULT DECISION

Appearances: Carole M. Fernandez, Esq., Office of the Solicitor, U.S. Department of Labor, for Petitioner

Before: Judge Moore

The above case was scheduled for hearing on September 5, 1984 at 10:00 A.M. in the Hopkins County Courthouse in Madisonville, Kentucky. At 10:30 A.M. I made the following statement:

"It is now 10:30 A.M. and respondent is not present. My office has proof of service of the Notice of Hearing and site notice. I hereby declare respondent in default and will issue a formal order when I return to my office."

As of the date of this decision being issued I have still not heard from respondent. I hereby confirm my oral ruling that respondent is in default, AFFIRM the two citations involved and assess a penalty of \$242 against respondent.

Respondent is accordingly ORDERED to pay to MSHA, within 30 days, a civil penalty in the amount of \$242.

Respondent is further ORDERED to inform me, within 30 days, why it did not let me, the government's counsel, or the inspector know that it did not intend to appear at the hearing.

Charles C. Moore, Jr.

Charles C. Moore, Jr.
Administrative Law Judge