

CCASE:
SOL (MSHA) V. PA-PA COAL MINING
DDATE:
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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. KENT 86-118
A.C. No. 15-15229-03503

v.

Pa Pa Mine

PAÔPA COAL MINING COMPANY,
RESPONDENT

DECISION

Before: Judge Fauver

By notice issued on December 19, 1986, this civil penalty case was set for hearing on February 10, 1987, at Huntington, West Virginia. Prehearing reports were due from the parties by January 27, 1987. Counsel for the Secretary of Labor submitted a prehearing report by telephone on January 23, 1987, reporting that Mr. Jack Owens, President of the Respondent, informed counsel for the Secretary that Respondent will not appear at the hearing on February 10, 1987. This statement in behalf of Respondent is deemed to be a withdrawal and waiver of Respondent's hearing request.

ORDER

1. The allegations in Petitioner's Citation No. 2303103 are deemed to be true and hereby incorporated as Findings of Fact and Conclusions of Law herein.

2. Respondent is ASSESSED a civil penalty of \$650.00 for the violation alleged in Citation No. 2303103 and found herein.

3. Respondent shall pay the above civil penalty of \$650.00 with 30 days of this Decision.

4. The hearing scheduled for February 10, 1987, is CANCELLED.

William Fauver
Administrative Law Judge