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SOL (MSHA) V. MOUNTAINEER 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. KENT 85-202  
A.C. No. 15-15192-03501

v.

No. 1 Mine

MOUNTAINEER COAL COMPANY,  
RESPONDENT

DECISION

Before: Judge Fauver

On January 14, 1986, because of Respondent's failure to comply with a prehearing order, a show cause order was issued allowing Respondent until February 3, 1987, to explain, in writing, why (1) it should not be deemed to have waived its right to a hearing, and (2) the Secretary's proposed penalties should not become the final order of the Commission.

Respondent has failed to file a response to the show cause order, and is hereby deemed 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 \$624.00 within 30 days of this decision.

William Fauver  
Administrative Law Judge