# POSITION DESCRIPTION

# chairman and commissioner, federal mine safety and health review commission

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| **OVERVIEW** |
| Senate Committee | Health, Education, Labor and Pensions |
| Agency Mission | The Federal Mine Safety and Health Review Commission (FMSHRC) is an independent adjudicative agency that provides administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Act of 1977 (Mine Act). |
| Position Overview | The commission is concerned solely with the adjudication of disputes under the Mine Act, including the determination of appropriate penalties. |
| Compensation | Level IV $155,500 (5 U.S.C. § 5315)[[1]](#endnote-1) |
| Position Reports to | FMSHRC is an independent adjudicative agency. Any member of the commission may be removed by the president for inefficiency, neglect of duty or malfeasance in office. (30 U.S.C. § 823) |
| **RESPONSIBILITIES** |
| Management Scope | The enacted fiscal 2016 budget of the commission was $17.085 million with 79 full-time equivalents.[[2]](#endnote-2) |
| Primary Responsibilities | * Deals with the adjudication of disputes under the Mine Act, including the determination of appropriate penalties
* Provides appellate review for cases
* Hears appeals of judges’ decisions by granting a petition for discretionary review from one or more of the parties or by directing review on its own motion
* At the appellate level, considers motions to reopen cases where an operator has failed to timely contest a proposed penalty or to timely respond to the secretary of labor’s penalty petition[[3]](#endnote-3)
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| Strategic Goals and Priorities | [Depends on the policy priorities of the administration] |
| **REQUIREMENTS AND COMPETENCIES** |
| Requirements | Commission requirements:* Consists of five members, appointed by the president by and with the advice and consent of the Senate
* The terms of the members of the commission shall be six years
* A vacancy caused by the death, resignation or removal of any member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term
* The president shall designate one of the members of the commission to serve as chairman (30 U.S.C. § 823)

Commissioner requirements:* By reason of training, education or experience is qualified to carry out the functions of the commission (30 U.S.C. § 823)
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| Competencies | * Collegiality and integrity
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| **PAST APPOINTEES** |
| Michael G. Young (2003 to 2017): Director, Regulatory Affairs, Pennsylvania Coal Association; Trial Lawyer, Civil Litigation, McElwee and McElwee; Trial Lawyer, Civil Litigation, Buchanan Ingersoll, P.C.[[4]](#endnote-4) |
| Robert F. Cohen, Jr (2008 to 2017): Trial Lawyer Civil, Criminal and Administrative Litigation Cohen, Abate & Cohen, L.C. Fairmont and Morgantown; West Virginia Trial Lawyer Civil, Criminal and Administrative Litigation, Solo Practice, Fairmont, West Virginia; Community Outreach Worker, Center for Law and Education, Harvard University[[5]](#endnote-5) |
| Stanley C. Suboleski (2003 to 2006): Executive Vice President and Interim Chief Operating Officer, Equilar Atlas; Professor and Department Head, Mining and Minerals Engineering, Virginia Polytechnic Institute and State University; Board Member, OKD Coal Company[[6]](#endnote-6) |

1. The Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017), contains a provision that continues the freeze on the payable pay rates for certain senior political officials at 2013 levels during calendar year 2017. [↑](#endnote-ref-1)
2. https://www.fmshrc.gov/plans/FMSHRC\_FY%202017%20Congressional%20Justification%202-09-2017.pdf [↑](#endnote-ref-2)
3. OPM [↑](#endnote-ref-3)
4. http://www.fmshrc.gov/about/commissioners [↑](#endnote-ref-4)
5. http://www.fmshrc.gov/about/commissioners [↑](#endnote-ref-5)
6. http://people.equilar.com/bio/stanley-suboleski-massey-energy/salary/ [↑](#endnote-ref-6)