

THE
NATIONAL LAW REVIEW

Mine Safety Commission Loses Quorum to Decide Cases

Friday, September 28, 2018

On August 30, 2018, the Federal Mine Safety and Health Review Commission (FMSHRC) lost its required quorum of three commissioners for deciding appeals from administrative law judge decisions. On that date, the terms for Commissioners William Althen and Robert Cohen expired. That left in place only Commissioners Mary Lu Jordan and Michael Young, whose terms will expire in 2020. Commissioner Young is currently serving as acting chairman of the commission.

The FMSHRC was created by the Federal Mine Safety and Health Act of 1977. Commissioners are nominated by the president and confirmed by the U.S. Senate. They serve six-year terms. President Trump nominated longtime mine safety attorney Marco Rajkovich to serve on the commission in January 2018. His confirmation has been pending in the Senate since that time.

Until the commission has at least one more member, its authority is limited to deciding which cases it will hear on appeal. In the meantime, no appeals can be decided by the commission, and motions to reopen penalties for contest will be decided by the FMSHRC's chief administrative law judge.

© 2019, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., All Rights Reserved.

Source URL: <https://www.natlawreview.com/article/mine-safety-commission-loses-quorum-to-decide-cases>



Article By
[Margaret S. Lopez](#)
[Ogletree, Deakins, Nash, Smoak & Stewart, P.C.](#)
[Our Insights](#) [Utilities & Transport](#)
[Litigation / Trial Practice](#)
[All Federal](#)