

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**JUSTIFICATION OF
APPROPRIATION ESTIMATES
FOR
CONGRESSIONAL APPROPRIATIONS**



FISCAL YEAR 2014

APRIL 10, 2013

Federal Mine Safety and Health Review Commission

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Federal Mine Safety and Health Review Commission

EXECUTIVE SUMMARY

The Federal Mine Safety and Health Review Commission (Commission) is an independent adjudicatory agency that provides administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Act of 1977 [30 U.S.C 801 et seq.] (Mine Act), as amended. Section 113 of the Mine Act establishes the Commission and sets forth its responsibilities. The Mine Improvement and New Emergency Response Act of 2006 [Pub. L. 109-236] (MINER Act) added an additional responsibility to the Commission, resolving disputes between the Secretary of Labor and underground coal operators with respect to the contents of emergency response plans or the Secretary's refusal to approve such plans.

The Commission is requesting a budget of \$16,423,000 for FY 2014 to support the full-time equivalent (FTE) of 76 staff members. The requested FY 2014 funding level is \$1,181,000 below the FY 2012 enacted level as a result of the one-time funding in FY 2012 to support moving the Commission Headquarters to a new location in Washington, DC and the purchase of a new electronic case management system.

Most cases that come before the Commission involve civil penalties proposed by the Department of Labor's Mine Safety and Health Administration (MSHA) against mine operators. The Commission is responsible for addressing whether the alleged violations occurred, as well as the assessment of appropriate civil penalties. Other types of cases include contests of MSHA orders to close a mine for health or safety reasons, miners' charges of discrimination based on their complaints regarding health or safety, and miners' requests for compensation after being idled by a mine closure order. Disputes involving the temporary reinstatement of a miner or an emergency response plan must be decided on an expedited basis.

The Commission's Administrative Law Judges (judges) decide cases at the trial level. The five-member Commission provides administrative appellate review. Review of a judge's decision by the Commission is not automatic, and requires the approval of at least two Commissioners. Most of the cases accepted for review are generated from petitions filed by parties adversely affected by a judge's decision. In addition, the Commission, on its own initiative, may decide to review a case. A judge's decision that is not accepted for review becomes a final, non-precedential order of the Commission. Appeals from the Commission's decisions are to the federal courts of appeals.

Cases at the trial level are handled by the Commission's Office of Administrative Law Judges (OALJ). The number of pending trial-level cases has been the subject of much concern. The increased number of cases on hand is the result of a dramatic growth in

Federal Mine Safety and Health Review Commission

the number of new cases filed with the Commission. From FY 2000 through FY 2005, the average number of cases filed was 192 per month, or 2,307 per year. However, since FY 2006 the number of new cases filed increased steadily, and in FY 2014 it is expected that 11,000 new cases will be filed.

The Commission's overall management priority continues to be the reduction of the case backlog. The Commission has taken a number of steps to dispose of cases more efficiently and reduce the number of cases on hand. To expedite the processing of settlement decisions, the Commission promulgated a final rule requiring that parties submit proposed settlement orders to the Commission in electronic form. 75 Fed. Reg. 73955 (Nov. 30, 2010). The rule became effective on December 30, 2010.

In December 2011, the Commission published a final rule setting forth simplified procedures for litigating certain categories of cases before the Commission's judges. 75 Fed. Reg. 81459 (Dec. 28, 2011). Although the simplified proceedings rule became effective on March 1, 2011, full implementation was delayed until May 2012. The Commission will track cases disposed of through simplified proceedings in order to assess the success of this alternative procedure for case disposition.

As a result of staff added using a supplemental appropriation in FY 2010 and efficiency measures implemented by the Commission to expedite the disposition of certain cases, the number of undecided trial-level cases on hand dropped from 18,170 in FY 2010 to 15,788 by the beginning of FY 2012. This was the first drop in the Commission's trial-level case inventory from one year to the next since FY 2004.

We project that the Commission will begin FY 2014 with 11,682 undecided trial cases. During FY 2014, we anticipate that 11,000 new cases will be filed, and that Commission judges will dispose of 11,000 cases. Thus, the case inventory at the end of the year will remain at 11,682.

In recent years, the Commission's appellate review function has also seen a dramatic increase in the number of filings. The trend of parties filing an increased number of petitions for review each year is likely to continue for the foreseeable future, and even accelerate as the Commission's judges increase their dispositions in the course of addressing the cases on hand.

Resolving these substantive cases creates a great demand on the resources of the five-member Commission and the Office of General Counsel (OGC). Typically, in these substantive cases, the Commissioners, with the assistance of the OGC, review and analyze extensive briefs filed by the parties, sometimes conduct an oral argument, and issue a decision which addresses all the contentions raised by the parties.

Federal Mine Safety and Health Review Commission

In addition to petitions for review in substantive cases, the Commission at the appellate level considers requests to reopen cases in which a mine operator is in default for failing to timely respond to the Secretary's proposed penalty or to a judge's order. These cases are generically referred to as default cases. The number of these requests for reopening filed each year has remained at historically high levels.

The Commission has also identified the need for an electronic Case Management System (CMS). Using funding provided in FY 2012, the Commission intends to implement an electronic CMS during FY 2013. This will be an integrated product that will allow most cases and documents to be filed, managed, stored and tracked internally online, both at the OALJ and at the Commissioner levels. An additional goal is to increase public access under the Freedom of Information Act and other transparency initiatives designed to promote greater public understanding of the Commission's activities.

Federal Mine Safety and Health Review Commission

MISSION

The Federal Mine Safety and Health Review Commission is an independent adjudicatory agency charged with resolving disputes arising from the enforcement of safety and health standards in the nation's mines. Under its enabling statute, the Mine Act, the Commission does not regulate the mining industry, nor does it enforce the Mine Act; those functions are delegated to the Secretary of Labor acting through MSHA. The Commission's mission is to provide just, speedy, and legally sound adjudication of proceedings authorized under the Mine Act, thereby enhancing compliance with the Act and contributing to the improved health and safety of the nation's miners.

The scope of the Commission's mission was expanded by the passage of the MINER Act in 2006. That statute amended the Mine Act and vested the Commission with the responsibility for resolving disputes over the contents of mine emergency plans adopted by underground coal mine operators and submitted to MSHA for review and approval. The MINER Act imposed tight deadlines on the Commission and its judges with respect to these proceedings, and the Commission has adopted procedural rules to implement those deadlines.

FUNCTIONS AND PROCEDURES

The Commission carries out its responsibilities through trial-level adjudication by judges and appellate review of judges' decisions by a five-member Commission appointed by the President and confirmed by the Senate. Most cases involve challenges to civil penalties proposed by MSHA against mine operators and address whether or not the alleged safety and health violations occurred and if so, the degree of gravity and negligence involved, so that appropriate sanctions may be imposed. Other types of cases involve mine operators' contests of mine closure orders, miners' complaints of safety or health related discrimination, miners' applications for compensation after a mine is idled by a closure order, and review of disputes between MSHA and underground coal mine operators relating to those operators' mine emergency plans.

Once a case is filed with the Commission, it is referred to the Chief Administrative Law Judge (Chief Judge). Thereafter, litigants in the case must submit additional filings before the case is assigned to a judge. To expedite the decisional process, the Chief Judge may rule on certain motions and where appropriate, issue orders of settlement, dismissal, or default. Otherwise, once a case is assigned to an individual judge, that judge is responsible for the case and rules upon motions and settlement proposals. If a hearing is necessary, the judge schedules and presides over the hearing, and issues a decision based upon the record. A judge's decision becomes a final, non-precedential

Federal Mine Safety and Health Review Commission

order of the Commission unless it is accepted for review by the five-member Commission.

The Commission provides administrative appellate review. It may, in its discretion, review decisions issued by judges when requested by a litigant, or it may, on its own initiative, direct cases for review. The Commission's decisions are precedential, and appeals from the Commission's decisions are heard in the federal courts of appeals.

The Office of the Executive Director supports the above functions by providing budget and financial management, and administrative and technical services, including human resources and information technology, procurement and contracting, and facilities management.

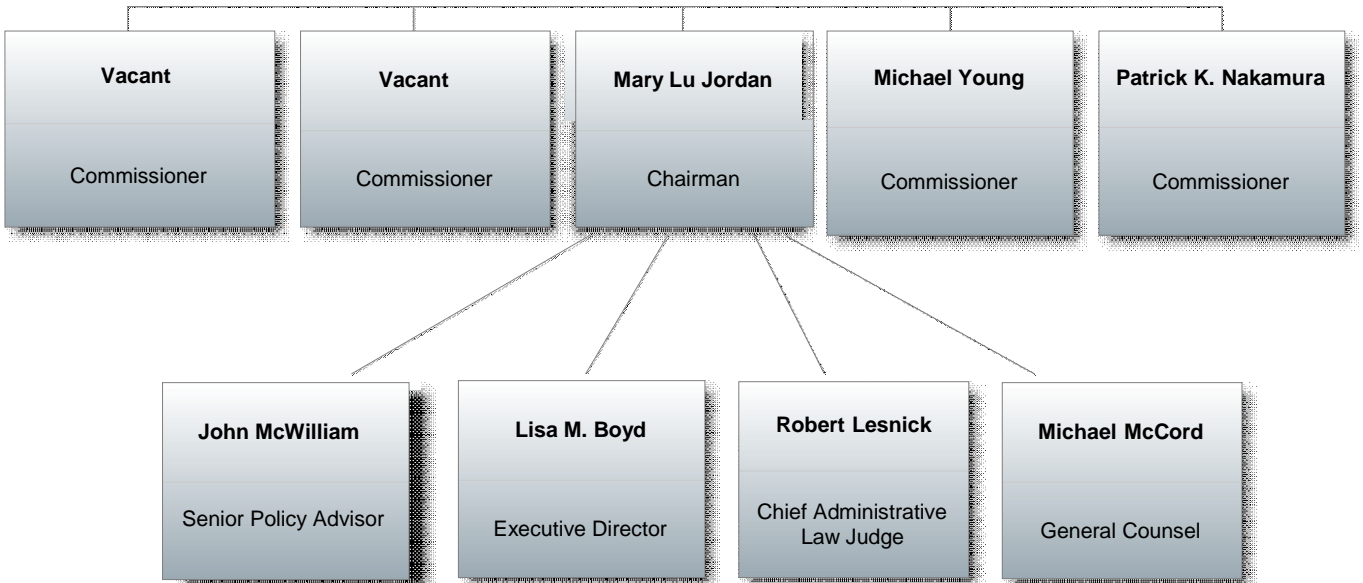
STRATEGIC GOALS

The Commission has set forth the following strategic goals:

- ensure expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels
- manage the Commission's human resources, operations, facilities, and information technology systems to ensure a continually improving, effective, and efficient organization

Federal Mine Safety and Health Review Commission

Key Personnel Organization Chart



Federal Mine Safety and Health Review Commission

COMMISSION MEMBERS

<u>NAME</u>	<u>TERM EXPIRATION</u>
Mary Lu Jordan, Chairman	August 30, 2014
Michael G. Young	August 30, 2014
Patrick K. Nakamura	August 30, 2016

The following commission members' terms expired on August 30, 2012

Michael F. Duffy

Robert F. Cohen Jr.

Federal Mine Safety and Health Review Commission

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Federal Mine Safety and Health Review Commission, \$16,423,000.

Note.--A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Resolution, 2013 (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

Authorizing Legislation

Authorizing Legislation Containing Indefinite Authority
Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. § 801 et seq.)

Dollars in thousands

	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Budget Authority	\$17,604	\$17,711	\$16,423
	72	74	76

Federal Mine Safety and Health Review Commission

JUSTIFICATION BY FUNCTION

GENERAL STATEMENT

The Commission was established as an independent agency by section 113(a) of the Federal Mine Safety and Health Act of 1977. The Commission fulfills its mission through three main functions.

The trial-level function lies within the Office of the Administrative Law Judges (OALJ). At the trial level, the Commission's judges hear and decide cases initiated by the Secretary of Labor, mine operators, miners, and miners' representatives.

The appellate function is carried out by the five-member Commission, its staff, and the Office of the General Counsel (OGC). The Commission 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. In addition, at the appellate level, the Commission 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.

The Office of the Executive Director (OED) supports both the trial-level and appellate functions by providing budget management, administrative and technical services.

The Commission is requesting in FY 2014 \$16,423,000 and 76 FTE. This includes:

- \$340,000 to fund two additional positions in the Office of the General Counsel.
- \$83,000 to fund the one percent pay raise for civilian employees

Federal Mine Safety and Health Review Commission

Summary by Function

Dollars in thousands

Function	FY 2012 Actual		FY 2013 CR Level		FY 2014 Request	
	FTE	Budget Authority	FTE	Budget Authority	FTE	Budget Authority
Administrative Law Judge	48	\$12,705	48	\$12,507	48	\$11,351
Commission Review	19	\$3,981	20	\$4,255	22	\$4,210
Office of Executive Director	5	\$918	6	\$949	6	\$862
Total	72	\$17,604	74	\$17,711	76	\$16,423

Administrative Law Judge Function

Administrative Law Judge Function			
Dollars in thousands			
	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Budget Authority	\$12,705	\$12,507	\$11,351
FTE	48	48	48

Introduction

The Commission employs administrative law judges to hear and decide contested cases at the trial level. The judges travel to hearing sites located at or near the mine involved in order to afford mine operators, miners and their representatives a full opportunity to participate in the hearing process. Commission judges are also responsible for evaluating and approving or denying settlement agreements proposed by the parties under the Mine Act.

The Commission's has set the following objective for the Administrative Law Judge (ALJ) function:

- Dispose of cases in a timely manner.

FY 2014

The Commission's FY 2014 budget request includes 48 FTEs and \$11,351,000 for the ALJ function. This includes \$52,000 to fund the one percent pay raise for civilian employees.

This request will support the current full-time equivalent of 20 judges, which is the judge level first achieved through the FY 2010 Supplemental Appropriations Act (P.L. 111-212), and maintained since the passage of that Act.

The FY 2014 request also includes law clerks and legal assistants to support the judges, and a number of docket clerks to maintain case files and process and record documents filed with the Commission.

The Commission estimates that 11,682 trial level cases will be pending at the beginning of FY 2014. New case filings are expected to remain steady as operators continue to

Administrative Law Judge Function

elect to contest civil penalties proposed by MSHA and as MSHA utilizes its “pattern of violations” sanctions. Therefore, the Commission anticipates that it will receive 11,000 new cases during the fiscal year. The Commission estimates that, depending on experience, judges will normally dispose of an average of 550 cases per year for each of the Commission’s 20 FTE judge slots. Therefore, the Commission would normally anticipate a total of 11,000 case dispositions annually.

FY 2013

The Commission began FY 2013 with an inventory of 12,982 undecided cases, and 11,000 new cases are anticipated for the year.

The Commission estimates that, depending on experience, judges will normally dispose of an average of 550 cases per year for each of the Commission’s 20 FTE judge slots. Therefore, the Commission would normally anticipate a total of 11,000 case dispositions annually.

During FY 2013 the Commission expects to utilize savings in rent expense to hire temporary law clerks and legal assistants to help reduce the backlog of cases. These temporary hires will allow the Commission to reach a staffing ratio of 1:1 and to assign law clerks to a special project on settlements. It is estimated that this will allow the disposition of an additional 1,300 cases above the 11,000 normal output for total case dispositions of 12,300.

This is expected to result in an FY 2013 end-of-year inventory of 11,682 undecided cases, the third year that the number of pending cases was reduced during the year.

FY 2012

There were 15,788 cases pending at the start of FY 2012, and 9,078 cases were received.

In FY 2012 that were 11,884 dispositions. This larger than expected number includes the Performance Coal Company settlement (also known as Massey Coal Company and Upper Big Branch Mine) in March 2012 when 1,241 cases were settled.

This resulted in an FY 2012 end-of-year inventory of 12,982 undecided cases. This was the second year that the number of pending cases was reduced during the year.

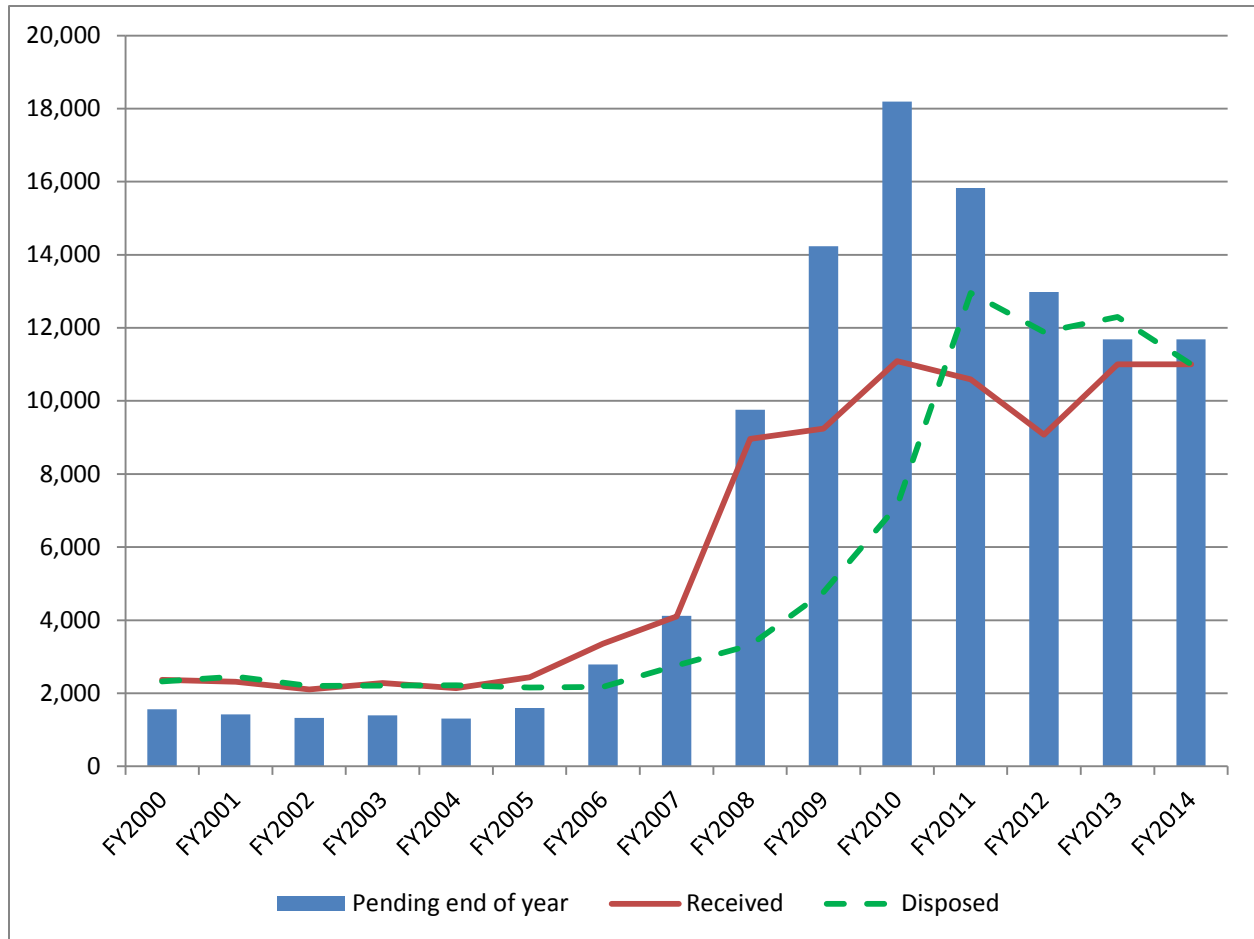
Administrative Law Judge Function

Administrative Law Judge Function - Caseload Data

	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Cases pending beginning of year	15,788	12,982	11,682
Assessment of civil penalty	12,067	10,565	9,871
Notice of contest	3,674	2,336	1,743
Discrimination proceeding	44	71	58
Compensation proceeding	2	8	8
Other	1	2	2
New cases received	9,078	11,000	11,000
Assessment of civil penalty	7,911	9,130	9,130
Notice of contest	1,063	1,744	1,744
Discrimination proceeding	95	110	110
Compensation proceeding	7	12	12
Other	2	4	4
Total case workload	24,866	23,982	22,682
Assessment of civil penalty	19,978	19,695	19,001
Notice of contest	4,737	4,080	3,487
Discrimination proceeding	139	181	168
Compensation proceeding	9	20	20
Other	3	6	6
Cases decided	11,884	12,300	11,000
Assessment of civil penalty	9,413	9,824	9,130
Notice of contest	2,401	2,337	1,744
Discrimination proceeding	68	123	110
Compensation proceeding	1	12	12
Other	1	4	4
Cases pending end of year	12,982	11,682	11,682
Assessment of civil penalty	10,565	9,871	9,871
Notice of contest	2,336	1,743	1,743
Discrimination proceeding	71	58	58
Compensation proceeding	8	8	8
Other	2	2	2

Administrative Law Judge Function

Administrative Law Judge Function – Case Workload



Administrative Law Judge Function

Performance Goals

Performance Goal		FY 2012 Actual		FY 2013 CR Level	FY 2014 Request
		Target	Results	Target	Target
All cases	On hand over 365 days in age	7,200	5,435	7,200	7,200
		45%	41%	45%	45%
	Disposed of within 365 days of receipt	33%	36%	33%	33%
Penalty cases	Average days from receipt to disposition	525	530	525	525
Settlement orders	Decisions issued within 60 days of motion	77%	79%	77%	77%
Simplified proceedings	Percentage of all dispositions	Baseline		TBD	TBD
	Average days from receipt to disposition	Baseline		TBD	TBD

The Commission's simplified proceedings rule became effective in March 2011 with full implementation in May 2012. Baseline metrics will be established through FY 2013. Targets will be set for FY 2014 once the FY 2013 data is collected.

Commission Review Function

Commission Review Function			
Dollars in thousands			
	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Budget Authority	\$3,981	\$4,255	\$4,210
FTE	19	20	22

Introduction

The Commission Review function incorporates the responsibilities of the Commissioners and the Office of the General Counsel in the appellate review function. The five-member Commission decides two principal types of cases:

- (1) *substantive cases*, which are cases in which a judge has issued a final or interlocutory decision on the merits and either party has filed a petition for review with the Commission, or at least two Commissioners have decided to grant review on their own initiative.
- (2) *default cases*, which are cases where an operator has failed to timely contest a proposed penalty or to respond to the Secretary's penalty petition and the operator has filed a motion to reopen the final order.

The general authority for the review of judges' decisions is set forth in section 113(d)(1) of the Mine Act. The Act states that a judge's decision shall become final 40 days after its issuance, unless within that period any two Commissioners direct that the decision be reviewed. Most substantive cases come before the Commission when two or more Commissioners vote to grant a petition for discretionary review filed by a party adversely affected or aggrieved by the judge's decision. The Commission may also consider a judge's interlocutory ruling on the merits.

Two or more Commissioners may also direct any judge's decision for review *sua sponte* (on the Commission's own motion, without the parties filing a petition). *Sua sponte* review is limited to judges' decisions that are contrary to law or Commission policy, or that present a novel question of policy.

Commission Review Function

Many of the Commission's cases present issues of first impression under the Mine Act. That is, the cases raise issues that have not been resolved by prior decisions of the Commission or the courts, or the cases involve the interpretation of safety and health standards and regulations newly promulgated by MSHA.

The OGC is responsible for conducting the initial research in substantive cases and preparing draft opinions for Commission members. OGC plays an important role in handling substantive cases that have been accepted for review by the Commissioners. The OGC attorneys also perform other duties, such as responding to FOIA requests, ethics counseling and training, review of financial disclosure forms, and equal employment opportunity counseling and training. Those duties have substantially increased with the size of the Commission's staff. In addition, OGC is primarily responsible for formulating and drafting the Commission's rulemaking initiatives, such as those involving more efficient settlement procedures and simplified proceedings for litigating certain categories of cases.

In recent years, the Commission's appellate review function has seen a significant increase in the number of filings of both substantive and default cases. The trend of an increased number of petitions being filed for substantive review is likely to continue for the foreseeable future, and perhaps accelerate as the Commission's judges issue a greater number of decisions in the course of addressing the Commission's case backlog.

In addition, the high number of default cases filed before the Commission continued to be a major challenge. Historically, the number of motions to reopen filed by operators has been fewer than 50 per year. However, the number of motions to reopen filed with the Commission increased substantially from 68 in FY 2007 to 174 in FY 2012 – a 200% increase. It is expected that the number of new cases filed will remain unchanged in FY 2014. Each default case must be carefully analyzed by an OGC attorney-advisor, who then prepares a draft order for consideration by the Commissioners.

The Commission has established the following objectives for the Commission review function.

- Issue decisions in substantive cases accepted for review in a timely manner
- Issue orders in default cases in a timely manner

Commission Review Function

FY 2014

The Commission is requesting a budget of \$4,210,000 and 22 FTE for the Commission Review activity in FY 2014. This includes:

- \$340,000 for an additional two positions in the Office of the General Counsel.
- \$26,000 to fund the one percent pay raise for civilian employees

The first position requested for the OGC would be for an attorney. The significant increase in workload of substantive cases has caused a strain on resources in OGC. The number of substantive cases on hand at year end has grown from 14 cases in FY 2010 to an estimated 65 cases in FY 2014, nearly a five-fold increase. Over the same period the number of FTE in OGC has only increased by three FTE, or 33%. This FTE should allow an additional 8 substantive cases to be decided.

The second additional position in the OGC would be for a records manager who would also have responsibility for FOIA requests and the Privacy Act program. Records management, FOIA, and Privacy Act are areas of responsibility that currently are assigned as additional duties to attorneys in the OGC, which significantly reduces their availability to work on substantive cases. Many records management duties are currently not performed due to the lack of a full-time records manager, and the National Archives and Records Administration has indicated that the Commission must undertake several measures to achieve compliance with applicable requirements. It is estimated that this additional position would free up one-half of an FTE for attorney work, resulting in an additional 4 substantive cases being decided. In conjunction with the additional attorney requested above, this would lower the number of substantive cases pending at year end to 65.

In FY 2014, it is expected that 189 cases will be pending before the Commission at the beginning of the year, and an estimated 270 new cases will be filed during the year. Approximately 262 dispositions are expected, of which an estimated 72 will be in substantive cases and 190 in default cases. Thus, it is anticipated that the Commission's appellate docket will contain 197 undecided cases at the end of FY 2014.

In FY 2014, it is expected that 70 petitions for review of judges' decisions will be filed with the Commission, and 42 of those petitions will be granted.

Commission Review Function

FY 2013

The FY2013 Continuing Resolution level provided for \$4,255,000 and 20 FTEs. The additional FTE was for an attorney-advisor in the Office of the General Counsel.

In FY 2013, the Commission began the year with an inventory of 159 undecided cases, and 280 new cases are anticipated for the year. An estimated 250 case dispositions are expected, consisting of 60 dispositions in substantive cases and 190 dispositions in default cases. Thus, it is anticipated that the Commission's appellate docket will contain 189 undecided cases at the end of FY 2013.

In FY 2013, it is expected that 70 petitions for review of judges' decisions will be filed with the Commission, and 42 of those petitions will be granted.

FY 2012

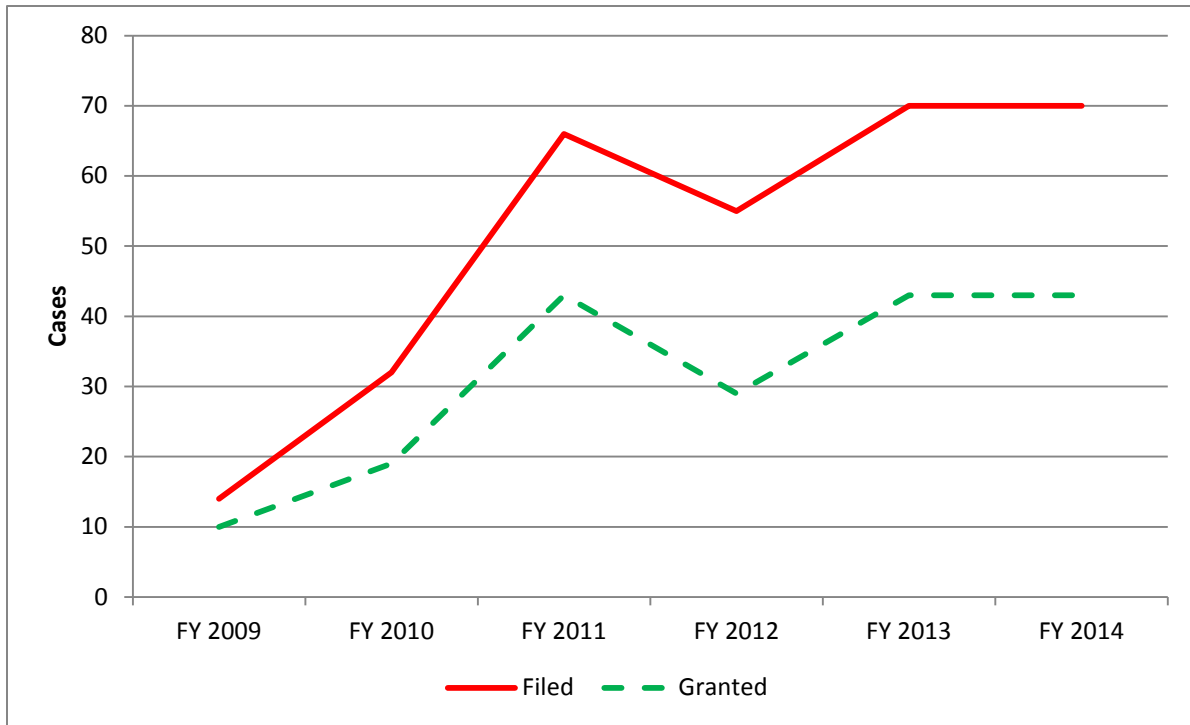
The Commission received \$3,981,000 and 19 FTE in FY 2012.

The Commission began FY 2012 with an inventory of 108 undecided appellate cases and received 229 new cases during the year. There were 178 case dispositions made, 51 of which were substantive cases and 127 were default cases. The Commission's appellate docket contained 159 undecided cases at the end of FY 2012.

In FY 2012, 55 petitions for review of judges' decisions were filed with the Commission, and 29 of those petitions were granted.

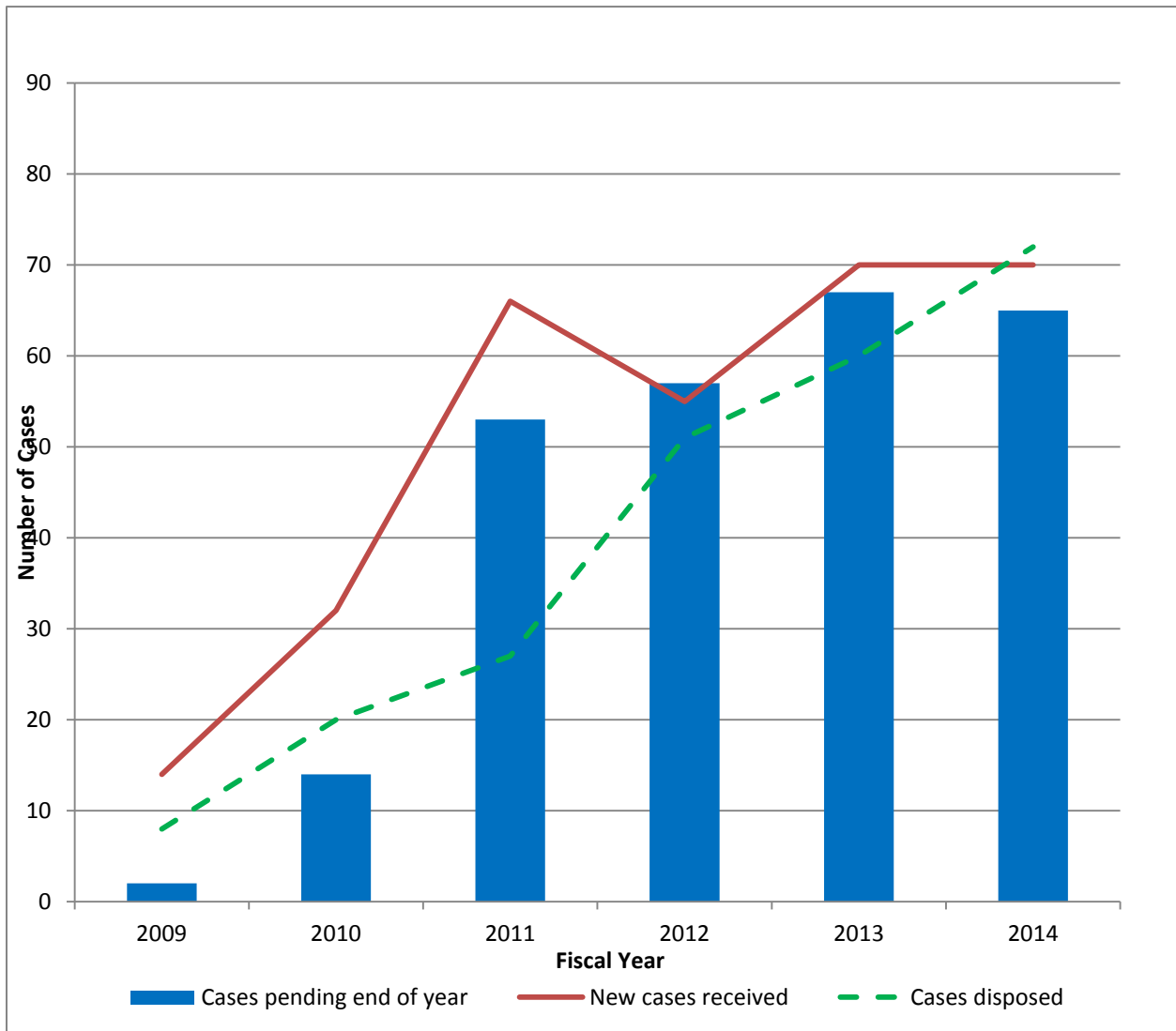
Commission Review Function

Commission Review Function Petitions for Substantive Review



Commission Review Function

Commission Review Function Substantive Cases



Commission Review Function

Commission Review Function- Caseload Data			
	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Cases pending beginning of year	108	159	189
Substantive cases	53	57	67
Default cases	55	102	122
New cases received	229	280	270
Substantive cases	55	70	70
Default cases	174	210	200
Total case workload	337	402	459
Substantive cases	108	127	137
Default cases	229	312	322
Cases decided	178	250	262
Substantive cases	51	60	72
Default cases	127	190	190
Cases pending end of year	159	189	197
Substantive cases	57	67	65
Default cases	102	122	132

Commission Review Function

Performance Goals - Commission Review Function

Performance Goal		FY 2012		FY 2013	FY 2014
		Actual		CR Level	Request
		Target	Results	Target	Target
Substantive cases	On hand - 12-18 months in age	6	18	9	15
		16%	28%	15%	30%
	On hand - over 18 months in age	2	14	2	8
		8%	22%	5%	16%
	Age over 18 months at decision	8	6	10	12
		33%	38%	33%	40%
Default cases	On hand over 6 months in age	15	31	15	15
		15%	31%	15%	15%

Office of the Executive Director Function

Office of the Executive Director Function			
Dollars in thousands			
	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Budget Authority	\$918	\$949	\$862
FTE	5	6	6

Introduction

The Office of the Executive Director (OED) provides administrative services to support the Commission in fulfilling its mission and strategic goals. The primary functions are financial management, human resources, procurement and contracting, information technology, facilities management, and general administrative service support. The financial management services function includes the areas of budget and accounting, such as budget formulation, budget execution, funds control, financial reporting, and vendor payments.

Human resources covers the areas of recruitment and placement, classification and pay administration, performance management and incentive awards, employee benefits and retirement, personnel security, coordination of employee training program, and wellness and employee assistance programs.

Procurement and contracting covers specific matters such as maintaining a simplified acquisition program for supplies and services, contract implementation and oversight, and coordination of services and supplies.

Information technology entails help desk functions, network administration, policy formulation, and telecommunication.

Facilities management covers property and space management, organization management, and physical security.

Other general administrative services provided by OED include the administration of employee travel authorizations and reimbursements, and the Metro subsidy program.

Office of the Executive Director Function

FY 2014

The Commission is requesting an FY 2014 budget of \$862,000 and 6 FTE. This includes \$5,000 fund the one percent pay raise for civilian employees.

FY 2013

The FY2013 Continuing Resolution level provided for \$949,000 and 6 FTEs. The additional FTE was for an information technology position.

It is expected that the electronic case management system will be implemented in FY 2013.

FY 2012

The Commission received \$918,000 and 5 FTE in FY 2012.

The Commission conducted a move of the headquarters to a new location within Washington, DC. In addition, the Commission initiated the procurement of an electronic case management system.

CHARTS AND GRAPHS

Federal Mine Safety and Health Review Commission

Budget Authority by Object Class

FY 2014 Budget Request by Object Code			
Dollars in thousands			
	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request
Personnel Compensation	7,513	7,802	8,016
Other than Full-Time Permanent	<u>380</u>	<u>380</u>	<u>384</u>
Total, Personnel Compensation	7,893	8,182	8,400
Personnel Benefits, Civilian	2,070	2,135	2,168
Benefits to Former Employees	11	12	12
Travel and Transportation of Persons	240	331	331
Transportation of Things	31	32	32
Rental Payments to GSA	1,547	1,547	1,706
Communications, Utilities, and Misc.	369	369	369
Printing and Reproduction	24	24	24
Other Services	2,628	3,534	2,625
Supplies and Materials	855	368	325
Equipment	<u>1,936</u>	<u>1,177</u>	<u>431</u>
Total	17,604	17,711	16,423

Federal Mine Safety and Health Review Commission

Personnel Summary

	2012 ENACTED	2013 CR LEVEL	2014 REQUEST
ACCOUNT: SALARIES & EXPENSES			
Executive Level III	1	1	1
Executive Level IV	4	4	4
SUBTOTAL	5	5	5
ES	2	2	2
SUBTOTAL	2	2	2
AL-1	1	1	1
AL-3	19	19	19
SUBTOTAL	20	20	20
GS-15	5	5	5
GS-14	4	4	4
GS-13	3	3	7
GS-12	3	3	3
GS-11	16	16	16
GS-9	4	4	4
GS-8	5	7	5
GS-7	3	3	3
GS-6	2	2	2
GS-5	-	-	-
SUBTOTAL	45	47	49
Total Permanent Full-time Positions	72	74	76
Unfilled positions end-of-year	-	-	-
Total, full-time permanent employment end-of-year	59	-	-
Cumulative Full-time equivalent (FTE) usage	58	-	-

	FY 2012 Enacted	FY 2013 CR Level	FY 2014 Request
Average EX Salary	\$158,767	\$158,767	\$160,355
Average ES Salary	\$169,730	\$169,730	\$171,427
Average AL Salary	\$164,022	\$164,022	\$165,662
Average GS Salary	\$78,310	\$82,367	\$79,991

Federal Mine Safety and Health Review Commission

**Amounts Available for Obligation
(in millions)**

	FY 2012 Actual		FY 2013 CR Level		FY 2014 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Appropriation, total estimated obligations	72	\$17.604	74	\$17.711	76	\$16.423

**Summary of Changes by Budget Authority
(in millions)**

Budget Authority	FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Net Change (FY 2012 to FY 2014)
Appropriations	\$17.604	\$17.711	\$16.423	- \$1.181
Full-time Equivalent	72	74	76	4

Federal Mine Safety and Health Review Commission

Changes in 2014	
Dollars in thousands	
FY 2012 Actual	\$17,604
Activity Changes	
Civilian pay raise 1%	83
Personnel Compensation	79
Other than Full-Time Permanent	4
Transfer between Object Codes	0
Rental Payments to GSA	159
Other Services	-159
One-time FY 2012 costs	-2,900
Case management system implementation	-1,000
Office relocation	-1,900
Additional FTE	522
Personnel Compensation	424
Personnel Benefits, Civilian	98
Additional contractor support	598
Other changes	516
Benefits to Former Employees	1
Travel and Transportation of Persons	91
Transportation of Things	1
Other Services	112
Supplies and Materials	5
Equipment	306
Total Changes	-\$1,181
FY 2014 Request	\$16,423

Federal Mine Safety and Health Review Commission

Appropriations and FTE History

Fiscal Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation	FTE ¹
2000	6,159,000	6,060,000	6,159,000	6,136,000 ²	43
2001	6,320,000	6,200,000	6,320,000	6,320,000	42
2002	6,939,000	6,939,000	6,939,000	6,934,000 ³	38
2003	7,127,000	—	—	7,131,343 ⁴	35
2004	7,774,000	7,774,000	7,774,000	7,728,133 ⁵	40
2005	7,813,000	7,813,000	7,813,000	7,809,024 ⁶	40
2006	7,809,000	7,809,000	7,809,000	7,730,910 ⁷	40
2007	7,576,000	7,731,000	7,731,000	7,777,652 ⁸	44
2008	8,096,000	8,096,000	7,954,563	7,954,563	48
2009	8,653,000	8,653,000	8,653,000	8,653,000	50
2010	9,857,567	9,857,567	10,358,000	10,358,000 ⁹	63
Supplemental		3,800,000	3,800,000	3,800,000 ¹⁰	17 ¹¹
2011	13,105,000	13,905,000	15,755,000	10,337,000 ¹²	63
2012	22,417,000	—	17,637,000	17,603,666 ¹³	72
2013	16,000,000			17,711,000 ¹⁴	74
2014	16,423,000				76 (e)

(e) = estimated

¹ FTE for FY 2012 and before represent the FTE ceiling given budget authority, not the actual FTE.

² Reflects reduction of \$23,000 pursuant to the Consolidated Appropriations Act for 2000, P.L. 106-113.

³ Reflects reduction of \$5,000 pursuant to Section 1403 of P.L. 107-206.

⁴ Reflects adjustments pursuant to the Omnibus Appropriations Act, P.L. 108-7.

⁵ Reflects reduction of \$45,867 pursuant to the Consolidated Appropriations Act, P.L. 108-199.

⁶ Reflects a congressional add-on of \$59,000 and a reduction of \$62,976 pursuant to Section 122(a) of P.L.108-447.

⁷ Reflects reduction of \$78,090 pursuant to Title III, Chapter 8, of the Department of Defense Appropriations Act, P.L. 109-148.

⁸ Reflects reduction of \$144,437 pursuant to Sec. 528(a) of P.L. 110-161.

⁹ Reflects Senate approved mark-up of \$500,000 pursuant to P.L. 111-117.

¹⁰ Reflects supplemental funding of \$3,800,000 pursuant to P.L. 111-212.

¹¹ Temporary FTE provided July 29, 2010—July 28, 2011 though FY 2010 supplemental appropriation. The Commission carried this staff over for the last two months of FY 2011, using FY 2011 funding.

¹² Reflects reduction of \$21,000 pursuant to Sec. 1119(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2012, P.L. 112-10.

¹³ Reflects reduction of \$33,334 pursuant to Section 527(a) of the Consolidated Appropriations Act, 2012, P.L. 112-74.

¹⁴ Reflects the 2013 Continuing Resolution level