FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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January 29, 2026

SECRETARY OF LABOR MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), v. RAMSEY HILL EXPLORATION, LLC	Docket No. CENT 2026-0005 A.C. No. 32-01082-618809

BEFORE: Rajkovich, Chair; Jordan, Baker, and Marvit, Commissioners

ORDER

BY: Rajkovich, Chair; Jordan, and Baker, Commissioners

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2024) ("Mine Act"). On October 9, 2025, the Commission received from Ramsey Hill Exploration, LLC ("Ramsey Hill") a motion seeking to reopen a penalty assessment that had become a final order of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 815(a).

Under section 105(a) of the Mine Act, an operator who wishes to contest a proposed penalty must notify the Secretary of Labor no later than 30 days after receiving the proposed penalty assessment. If the operator fails to notify the Secretary, the proposed penalty assessment is deemed a final order of the Commission. 30 U.S.C. § 815(a).

We have held, however, that in appropriate circumstances, we possess jurisdiction to reopen uncontested assessments that have become final Commission orders under section 105(a). *Jim Walter Res., Inc.,* 15 FMSHRC 782, 786-89 (May 1993) ("*JWR*"). In evaluating requests to reopen final orders, the Commission has found guidance in Rule 60(b) of the Federal Rules of Civil Procedure under which the Commission may relieve a party from a final order of the Commission on the basis of mistake, inadvertence, excusable neglect, or other reason justifying relief. *See* 29 C.F.R. § 2700.1(b) ("the Commission and its Judges shall be guided so far as practicable by the Federal Rules of Civil Procedure"); *JWR*, 15 FMSHRC at 787. We have also observed that default is a harsh remedy and that, if the defaulting party can make a showing of good cause for a failure to timely respond, the case may be reopened and appropriate proceedings on the merits permitted. *See Coal Prep. Servs., Inc.,* 17 FMSHRC 1529, 1530 (Sept. 1995).

Records of the Department of Labor's Mine Safety and Health Administration ("MSHA") indicate that the proposed assessment was delivered on April 28, 2025, and became a

final order of the Commission on May 28, 2025. A delinquency notice was mailed to the operator on July 15, 2025.

Ramsey Hill moves to reopen the proposed penalty assessment on the basis that it timely contested the underlying section 104(d)(1) order, Order No. 9821184. The operator explains that the order was one of a batch of citations and orders arising from a common event. The operator timely contested four citations and orders arising from the event, including Order No. 9821184, and then timely contested four related proposed assessments.[1] Ramsey Hill asserts it mistakenly believed the assessment for Order No. 9821184 was included among the contested assessments, and did not learn that it had failed to timely contest the relevant assessment until it received the July delinquency notice. Ramsey Hill further asserts that its counsel never received a copy of the proposed assessment for Order No. 9821184 and believed it was still being processed by MSHA. The Secretary opposes the request to reopen.

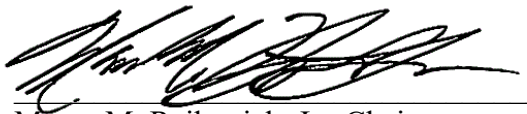
We hold that Ramsey Hill has failed to justify its delay in moving to reopen the final assessment. The Commission has long held that motions to reopen received within 30 days of an operator's first notice that it failed to timely contest are presumptively considered to have been filed within a reasonable amount of time. *Highland Mining Co.,* 31 FMSHRC 1313, 1316-17 (Nov. 2009). Conversely, in motions filed more than 30 days after such notice, an operator's failure to explain the delay is grounds for denying the motion. *Id.* at 1317. Here, Ramsey Hill learned that the assessment had not been timely contested when it received the July delinquency notice but did not move to reopen until October. The operator has provided no explanation for this 2-3 month delay.

We also note inconsistencies in Ramsey Hill's justification for its initial failure to timely contest the proposed assessment. The operator asserts that it mistakenly believed the proposed assessment for Order No. 9821184 was among the timely contested assessments *and* that its counsel believed MSHA was still processing the assessment. If both mistaken beliefs are true, this suggests a lack of communication indicating an inadequate or unreliable internal processing system. *Overton Sand & Gravel Co.*, 34 FMSHRC 1053, 1054-55 (May 2012) (denying motion to reopen where the "lack of any procedure for reliable communication between counsel and management represents an inadequate or unreliable internal processing system"); *see also, e.g.*, *Highland*, 31 FMSHRC at 1315 (an operator has not established grounds for reopening where the failure resulted from an inadequate or unreliable internal processing system).

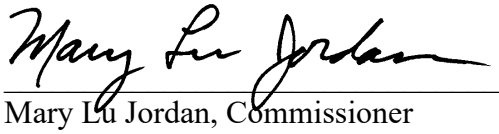
We acknowledge that an operator's timely contest of the underlying citation or order is "a factor" in favor of reopening a final assessment. *Lone Mountain Processing, Inc.*, 35 FMSHRC 3342, 3346-47 (Nov. 2013). However, all relevant factors must be weighed, and a challenge to the underlying citation "does not inevitably excuse the failure to contest the penalty." *Id.* at 3347. In light of the inconsistencies in the operator's justification for failing to timely contest the assessment, and particularly in light of the operator's failure to justify its delay in moving to reopen the final assessment, we find that Ramsey Hill has not demonstrated good cause.

[1] The contest of Order No. 9821184 was assigned Docket No. CENT 2025-0047. Contest Docket Nos. CENT 2025-0044, CENT 2025-0045, CENT 2025-0046 and CENT 2025-0047, and Penalty Docket Nos. CENT 2025-0076, CENT 2025-0104, CENT 2025-0111 and CENT 2025-0223, were subsequently consolidated and stayed in August 2025.

Accordingly, we deny Ramsey Hill's motion.



Marco M. Rajkovich, Jr., Chair



Mary Lu Jordan, Commissioner

Timothy J. Baker, Commissioner

Commissioner Marvit, concurring:

I write to agree with the Majority in this case for the reasons set forth below.

In *Explosive Contractors*, 46 FMSHRC 965 (Dec. 2024), I dissented and explained that Congress did not grant the Commission the authority to reopen final orders under section 105(a) of the Mine Act. The Commission's repeated invocation of Federal Rule of Civil Procedure 60(b) cannot overcome the statutory language. However, in *Belt Tech*, I explained in my concurrence that "the Act clearly states that to become a final order of the Commission, the operator must have received the notification from the Secretary." 46 FMSHRC 975 (citing *Hancock Materials, Inc*., 31 FMSHRC 537 (May 2009)). Taken together, these opinions stand for the proposition that the Commission may not reopen final orders under its statutory grant, but an operator may proceed if it has not properly received a proposed order.

In the instant case, as the Majority recounts, the Commission's order became final under the language of section 105(a). The Majority denies reopening in its opinion because the operator has not alleged good cause or provided a factual accounting for its failure to timely contest the penalties. Though I believe the Commission lacks the authority to consider motions to reopen, I concur with the Majority in denying reopening in this matter.

Moshe Z. Marvit, Commissioner

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