

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVE., N.W., SUITE 520N

WASHINGTON, DC 20004-1710

NOTICE

Over the past few years, questions have arisen regarding the status of federal administrative law judges. Specifically, the question is whether, under the Appointments Clause, U.S. Const. Art. II, § 2, cl. 2, such judges are “inferior officers.” In 2015, the Commission’s Chairman took action designed to resolve the question, should it arise, with respect to the Commission’s Administrative Law Judges. Since then, however, further developments in litigation have led the Commission to conclude that it is advisable that, out of an abundance of caution, the unanimous Commission should take further action.

Consequently, the undersigned Commissioners, constituting the entire Commission, on April 3, 2018 do hereby:

1. Ratify the prior appointments of, and appoint, the following persons as Commission Administrative Law Judges:

Robert J. Lesnick (Chief Administrative Law Judge)
Kenneth Andrews
Jacqueline R. Bulluck
Jerold Feldman
Zane L. Gill
John Lewis
Richard Manning
Thomas P. McCarthy
Margaret Miller
William B. Moran
Alan G. Paez
Priscilla M. Rae
David Simonton

2. Ratify the prior appointments of the following persons as Commission Administrative Law Judges:

David F. Barbour
Janet Harner
William Steele




William I. Althen, Acting Chairman



Mary Lu Jordan, Commissioner



Michael G. Young, Commissioner



Robert F. Cohen, Jr., Commissioner