

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**AND**

**ANNUAL PERFORMANCE PLAN**



**FISCAL YEAR 2019**

**FEBRUARY 12, 2018**

**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 (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, P.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 \$17,053,000 for FY 2019 to support the full-time equivalent (FTE) of 73 staff members. This is level with the FY 2018 requested amount.

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 A judge's decision that is not accepted for review becomes a final, non-precedential order of the Commission.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). It is expected that the OALJ will receive 3,761 new cases for review in FY 2019. It is expected that there will be 3,667 dispositions, and that the year end balance will be 2,523 cases.

The Commission's Review function (the five-member Commission) is expected to receive 106 new cases, including 34 substantive cases and 72 default cases. The Commission projects 16 undecided substantive appellate level cases on hand at the

## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

start of FY 2019. During FY 2019, it is expected that 34 substantive cases will be disposed. Thus, the substantive case inventory at the end of the year is estimated to be 16.

Resolving 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 the major contentions raised by the parties.

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's overall management priority continues to be the expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels.

## **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 authorizing 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 civil penalties assessed against mine operators by MSHA, and address whether or not the alleged safety and health violations occurred and if so, the penalty that should be assessed. 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 order of the Commission unless it is accepted for review by the five-member Commission.

## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

The Commission also 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**

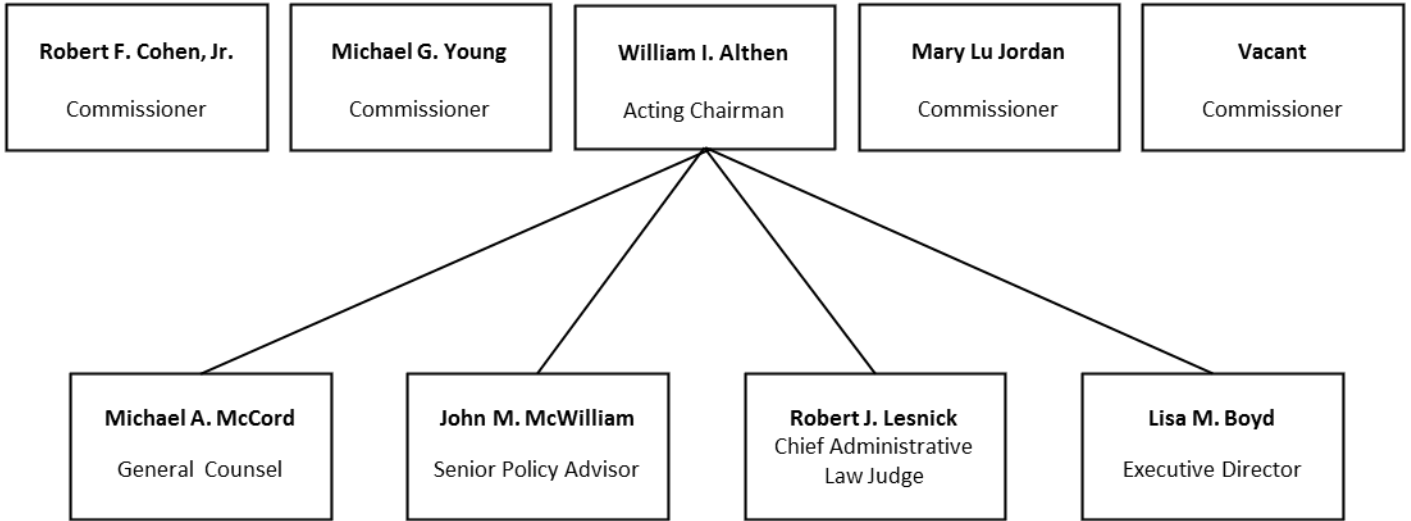
The Commission has two strategic goals:

Strategic Goal 1: Ensure expeditious, fair, and legally sound adjudication of cases

Strategic Goal 2: 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>
William I. Althen, Acting Chairman	August 30, 2018
Robert F. Cohen Jr.	August 30, 2018
Michael G. Young	August 30, 2020
Mary Lu Jordan	August 30, 2020
Vacant	



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**APPROPRIATION LANGUAGE**

**SALARIES AND EXPENSES**

*For necessary expenses for the Federal Mine Safety and Health Review Commission \$17,053,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019.)*

Note.—A full-year 2018 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 Act, 2018 (Division D of P.L. 115–56, as amended). The amounts included for 2018 reflect the annualized level provided by the continuing resolution.

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**Authorizing Legislation**

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

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Dollars in thousands

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	<b>FY 2017 Enacted</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Request</b>
Budget Authority	\$17,184	\$17,067	\$17,053
FTE	79	76	73

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**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 functions.

The Office of the Administrative Law Judges (OALJ) function provides trial-level adjudication by judges. 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 Commission Review 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) function supports both the trial-level and appellate functions by providing budget management, administrative and technical services.

In FY 2019, the Commission is requesting \$17,053,000 and 73 FTE.

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**Summary by Function**

Dollars in thousands

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<b>Function</b>	<b>FY 2017 Enacted</b>		<b>FY 2018 Annualized CR</b>		<b>FY 2019 Request</b>	
	<b>FTE</b>	<b>Budget Authority</b>	<b>FTE</b>	<b>Budget Authority</b>	<b>FTE</b>	<b>Budget Authority</b>
Administrative Law Judge	48	\$9,937	43	\$9,446	43	\$9,765
Commission Review	25	\$5,946	25	\$6,105	22	\$5,553
Office of Executive Director	6	\$1,301	8	\$1,516	8	\$1,735
<b>Total</b>	<b>79</b>	<b>\$17,184</b>	<b>76</b>	<b>\$17,067</b>	<b>73</b>	<b>\$17,053</b>

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**ADMINISTRATIVE LAW JUDGE FUNCTION**

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**Administrative Law Judge Function**

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Dollars in thousands

	<b>FY 2017 Enacted</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Request</b>
Budget Authority	\$9,937	\$9,446	\$9,765
FTE	48	43	43

**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 FY 2019 budget includes the following strategic objective for the Administrative Law Judge function:

- Ensure timely issuance of decisions at the trial level.

**FY 2019**

The Commission’s FY 2019 budget request includes 43 FTEs and \$9,765,000 for OALJ.

The FY 2019 request 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 has established a pendency goal for trial level cases of 260 days for FY 2019. Pendency is the average time between receipt of a case and case disposition.

## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

The Commission estimates that 2,429 trial level cases will be pending at the beginning of FY 2019. New case filings are expected to remain steady from the FY 2018 level. As such, the Commission anticipates that it will receive 3,761 new cases during FY 2019, and will dispose of 3,667 cases during the same period. The Commission expects to decrease the average time from receipt to disposition of all cases due to a business process improvement initiative that began in FY 2018.

### **FY 2018**

The Commission requested a budget of \$9,446,000 and 43 FTE for OALJ activities in FY 2018.

There were 2,592 trial level cases pending at the beginning of FY 2018. New case filings are expected to remain the same as the FY 2017 level. As such, the Commission anticipates that it will receive 3,761 new cases during FY 2018, and will dispose of 3,924 cases during the same period.

### **FY 2017**

The Commission received a budget of \$9,937,000 and 48 FTE for OALJ activities in FY 2017.

The Commission began FY 2017 with an inventory of 3,011 undecided cases, and 3,761 new cases were received for the year.

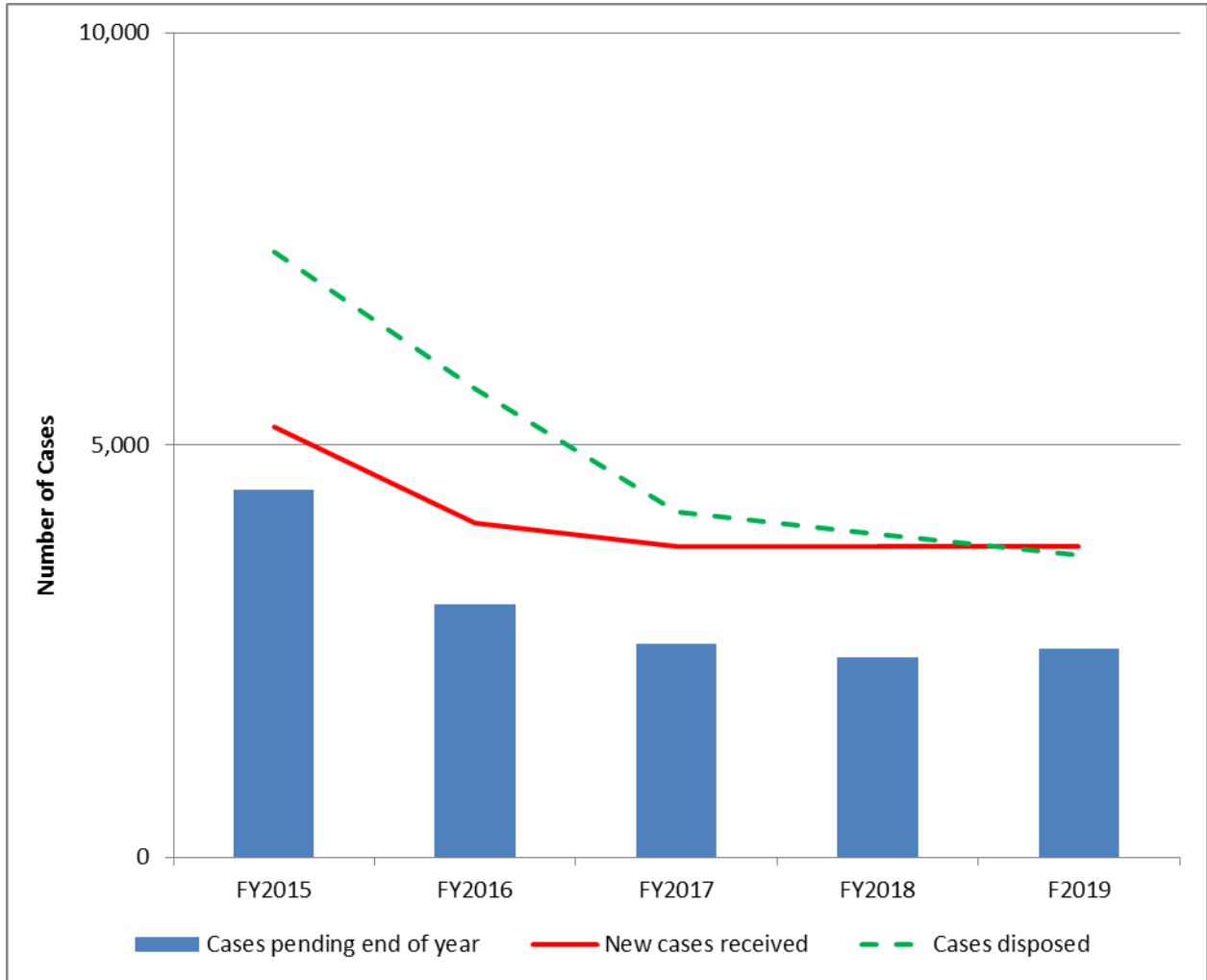
The Commission disposed of 4,180 cases in FY 2017. This resulted in a FY 2017 end-of-year inventory of 2,592 undecided cases.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**Administrative Law Judge Function - Caseload Data**

	<b>FY 2017 Actual</b>	<b>FY 2018 Estimate</b>	<b>FY 2019 Estimate</b>
<b>Cases pending beginning of year</b>	<b>3,011</b>	<b>2,592</b>	<b>2,429</b>
Assessment of civil penalty	2,650	2,297	2,162
Notice of contest	271	233	221
Discrimination and compensation	61	52	27
Other	29	10	19
<b>New cases received</b>	<b>3,761</b>	<b>3,761</b>	<b>3,761</b>
Assessment of civil penalty	3,332	3,332	3,332
Notice of contest	359	359	359
Discrimination and compensation	46	46	46
Other	24	24	24
<b>Total case workload</b>	<b>6,772</b>	<b>6,353</b>	<b>6,190</b>
Assessment of civil penalty	5,982	5,629	5,494
Notice of contest	630	592	579
Discrimination proceeding	107	98	73
Other	53	34	44
<b>Cases disposed</b>	<b>4,180</b>	<b>3,924</b>	<b>3,667</b>
Assessment of civil penalty	3,694	3,468	3,242
Notice of contest	395	371	347
Discrimination and compensation	75	70	65
Other	16	15	14
<b>Cases pending end of year</b>	<b>2,592</b>	<b>2,429</b>	<b>2,523</b>
Assessment of civil penalty	2,297	2,162	2,252
Notice of contest	233	221	233
Discrimination and compensation	52	27	8
Other	10	19	30

Administrative Law Judge Function – Case Workload



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Administrative Law Judge Function – Strategic Objectives

<b>Strategic Objective 1.1 Ensure timely issuance of decisions at the trial level</b>			
<b>Performance Goal</b>	<b>FY 2017 Actual</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
1.1.1 Average time from receipt to disposition of all cases	325 days	290 days	260 days
1.1.2 Average time from receipt to disposition of penalty cases	315 days	280 days	250 days
1.1.3 Percent of all cases on hand over 365 days in age	19%	20%	20%

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

## COMMISSION REVIEW FUNCTION

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**Commission Review Function**

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Dollars in thousands

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	FY 2017 Enacted	FY 2018 Annualized CR	FY 2019 Request
Budget Authority	\$5,946	\$6,105	\$5,553
FTE	25	25	22

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### 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 the Commission has granted a petition for review filed by either party, 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 timely respond to a judge's order 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 under certain circumstances.

Two or more Commissioners may also direct any judge's final 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.



## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

By law, a quorum of three Commissioners is required to decide substantive cases. 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. Many cases involve the interpretation of safety and health standards and regulations promulgated by MSHA.

The Office of General Counsel (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, and review of financial disclosure forms. 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.

The Commission has established the following strategic objective for the Commission review function.

- Ensure timely issuance of decisions at the appellate level.

### **FY 2019**

The Commission is requesting a budget of \$5,553,000 and 22 FTE for its appellate review activities in FY 2019.

The appellate caseload includes several types of cases, including those where by law the Commission must issue rulings very quickly. For example, the Commission hears appeals of temporary reinstatement cases; these are discrimination cases, and pursuant to the Commission's procedural rules, appeals of these types of decisions must be adjudicated within an extremely short timeframe. The Commissioners' workload also includes deciding whether to accept petitions for discretionary review, which by statute must generally be granted or denied within approximately ten days. In FY 2019, it is expected that 40 substantive and default cases will be pending before the Commission at the beginning of the year, and an estimated 106 new cases will be filed during the year. Approximately 106 dispositions are expected, of which an estimated 34 will be substantive cases and 72 will be default cases. Thus, it is anticipated that the Commission's appellate docket will contain 40 undecided cases at

## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

the end of FY 2019. The legal proceedings involved in disposing of substantive cases is expected to average twelve months. Therefore, the cases disposed of during one year include both cases that were received in a previous year but not disposed of that year (cases pending end of year), and new cases received during the current year. The lower number of dispositions reflects fewer cases pending at the beginning of the year, and faster processing times. The Commission will continue to work expeditiously to achieve the goals for case backlog and pendency, with a target average time to issuance of decision of 12 months, down from 15 months in 2017.

### **FY 2018**

The Commission requested a budget of \$6,105,000 and 25 FTE for its appellate review activities in FY 2018.

In FY 2018, there were 75 cases before the Commission at the beginning of the year, and an estimated 106 new cases will be filed during the year. Approximately 141 dispositions are expected, of which an estimated 39 will be substantive cases and 102 will be default cases. Thus, it is anticipated that the Commission's appellate docket will contain 40 undecided cases at the end of FY 2018.

### **FY 2017**

The Commission received \$5,946,000 and 25 FTE for FY 2017.

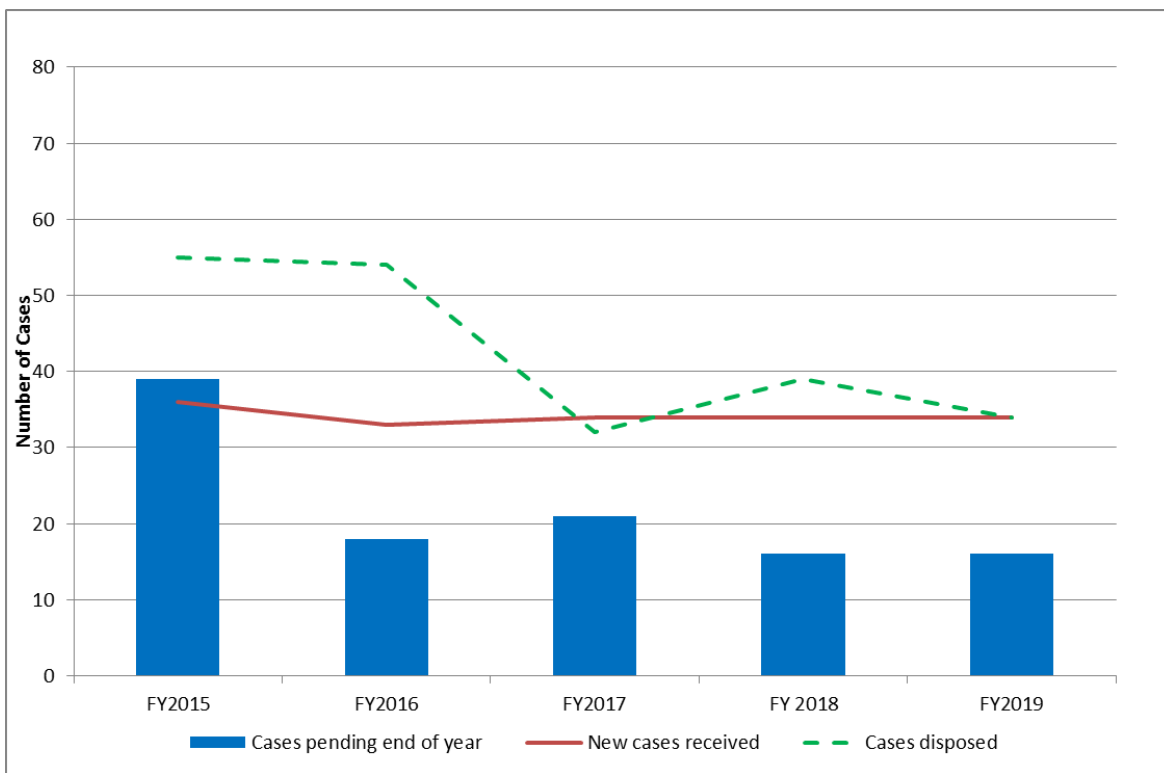
In FY 2017, the Commission began the year with an inventory of 148 undecided cases, and 86 new cases were received for the year. There were 163 case dispositions, consisting of 32 substantive cases and 131 default cases. The Commission's appellate docket contained 75 undecided cases at the end of FY 2017.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**Commission Review Function - Caseload Data**

	FY 2017 Actual	FY 2018 Estimate	FY 2019 Estimate
<b>Cases pending beginning of year</b>	<b>148</b>	<b>75</b>	<b>40</b>
Substantive cases	18	21	16
Default cases	133	54	24
<b>New cases received</b>	<b>86</b>	<b>106</b>	<b>106</b>
Substantive cases	34	34	34
Default cases	52	72	72
<b>Total case workload</b>	<b>234</b>	<b>181</b>	<b>146</b>
Substantive cases	53	55	50
Default cases	185	126	96
<b>Cases disposed</b>	<b>163</b>	<b>141</b>	<b>106</b>
Substantive cases	32	39	34
Default cases	131	102	72
<b>Cases pending end of year</b>	<b>75</b>	<b>40</b>	<b>40</b>
Substantive cases	21	16	16
Default cases	54	24	24

### Commission Review Function – Case Workload Substantive Cases



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Commission Review Function – Strategic Objectives

<b>Strategic Objective 1.2 Ensure timely issuance of decisions at the appellate level</b>			
<b>Performance Goal</b>	<b>FY 2017 Actual</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
1.2.1 Average time to issuance of decision	15 months	15 months	12 months
1.2.2 Average time from briefing completion to issuance of decision	13 months	9 months	9 months
1.2.3 Percent of cases on hand over 18 months in age	14%	25%	20%

<b>Strategic Objective 1.3 Issue orders in motions to reopen cases in a timely manner</b>			
<b>Performance Goal</b>	<b>FY 2017 Actual</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
1.3.1 Average time to issuance of final order	494 days	300 days	120 days

Goal 1.2.1 measures the average time period from the date that review is granted to the date of issuance of a decision

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

<b>Office of the Executive Director Function</b>			
Dollars in thousands			
	<b>FY 2017 Enacted</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Request</b>
Budget Authority	\$1,301	\$1,516	\$1,735
FTE	6	8	8

**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 programs, 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 telecommunications.

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.

## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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

- Maintain and enhance secure electronic information systems for case management, legal research, management operations support, public access to data through the internet, and continuity of the Commission's operations during national emergencies or natural disasters which may disrupt normal office operations
- Recruit, train, and retain a diverse workforce of skilled, highly motivated employees to effectively and efficiently accomplish the Commission's mission
- Develop and maintain a Cybersecurity Risk Management Strategy for the Commission's network infrastructure in order to assess, respond, and monitor risk, to protect the Commission's resource

### **FY 2019**

The Commission is requesting an FY 2019 budget of \$1,735,000 and 8 FTE.

### **FY 2018**

The Commission requested an FY 2018 budget of \$1,516,000 and 8 FTE.

### **FY 2017**

The Commission received \$1,301,000 and 6 FTE for FY 2017.

## TABLES



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**FY 2019 Budget Request by Object Class**

Dollars in thousands

	FY2017 Enacted	FY 2018 Annualized CR	FY 2019 Request
Personnel Compensation	8,758	8,521	8,411
Other than Full-Time Permanent	<u>0</u>	<u>0</u>	<u>0</u>
Total, Personnel Compensation	8,758	8,521	8,411
Personnel Benefits, Civilian	2,300	2,203	2,175
Benefits to Former Employees	5	5	10
Travel and Transportation of Persons	166	134	166
Transportation of Things	10	10	10
Rental Payments to GSA	1,948	1,966	1,987
Communications, Utilities, and Misc.	494	494	564
Printing and Reproduction	12	12	12
Other Services	3,167	3,313	2,988
Supplies and Materials	200	200	178
Equipment	124	209	552
<b>Total</b>	<b>17,184</b>	<b>17,067</b>	<b>17,053</b>

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Personnel Summary

	2017 Enacted	2018 Estimate	2019 Estimate
Executive Level III	1	1	1
Executive Level IV	4	4	4
<b>Executive Schedule</b>	<b>5</b>	<b>5</b>	<b>5</b>
ES	2	2	2
<b>Senior Executive Service</b>	<b>2</b>	<b>2</b>	<b>2</b>
AL-1	1	1	1
AL-3	14	12	11
<b>Administrative Law Judges</b>	<b>15</b>	<b>13</b>	<b>12</b>
GS-15	5	6	6
GS-14	4	5	5
GS-13	7	9	9
GS-12	8	19	16
GS-11	18	2	3
GS-9	2	4	4
GS-8	13	10	10
GS-7	0	0	0
GS-6	0	1	1
GS-5	0	0	0
<b>General Schedule</b>	<b>57</b>	<b>56</b>	<b>54</b>
<b>Total Permanent Full-time Positions</b>	<b>79</b>	<b>76</b>	<b>73</b>

Average Salaries

	FY 2017 Enacted	FY 2018 Request	FY 2019 Request
Average EX Salary	\$157,950	\$157,460	\$157,460
Average ES Salary	\$174,815	\$176,523	\$176,523
Average AL Salary	\$171,675	\$173,069	\$173,069
Average GS Salary	\$83,233	\$79,709	\$92,928

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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

	FY 2017 Enacted		FY 2018 Annualized CR		FY 2019 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Appropriation, total estimated obligations	79	\$17.184	76	\$17.067	73	\$17.053

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

Budget Authority	FY 2017 Enacted	FY 2018 Annualized CR	FY 2019 Request	Net Change (FY 2018 Request to FY 2019 Request)
Appropriations	\$17.184	\$17.067	\$17.053	- \$0.014
Full-time Equivalent	79	76	73	- 3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Appropriations and FTE History

Fiscal Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation	FTE <sup>1</sup>
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 <sup>2</sup>	63
Supplemental		3,800,000	3,800,000	3,800,000 <sup>3</sup>	17 <sup>4</sup>
2011	13,105,000	13,905,000	15,755,000	10,337,000 <sup>5</sup>	63
2012	22,417,000	–	17,637,000	17,604,000 <sup>6</sup>	72
2013	16,000,000	--	--	16,683,000 <sup>7</sup>	74
2014	16,423,000	--	--	16,423,000	76
2015	17,601,000	--	--	16,751,000	76
2016	17,085,000	--	--	17,085,000	79
2017	17,184,000	--	--	17,184,000	79
2018	17,053,000	17,134,000	17,184,000		76 (e) <sup>8</sup>
<b>2019</b>	<b>17,053,000</b>				<b>73</b>

(e) = estimated

<sup>1</sup> FTE for FY 2013 and before represent the FTE ceiling given budget authority, not the actual FTE.

<sup>2</sup> Reflects Senate approved mark-up of \$500,000 pursuant to P.L. 111-117.

<sup>3</sup> Reflects supplemental funding of \$3,800,000 pursuant to P.L. 111-212.

<sup>4</sup> 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.

<sup>5</sup> Reflects reduction of \$21,000 pursuant to Sec. 1119(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2013, P.L. 112-10.

<sup>6</sup> Reflects reduction of \$33,334 pursuant to Section 527(a) of the Consolidated Appropriations Act, 2013, P.L. 112-74.

<sup>7</sup> Reflects the post-sequester 2013 Continuing Resolution level.

<sup>8</sup> A full-year 2018 appropriation was not enacted at the time the budget was prepared.