

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**JUSTIFICATION OF
APPROPRIATION ESTIMATES
FOR
CONGRESSIONAL APPROPRIATIONS**



FISCAL YEAR 2015

March 7, 2014

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 \$17,061,000 for FY 2015 to support the full-time equivalent (FTE) of 79 staff members. This budget level is \$638,000 and 3 FTE above the FY 2014 enacted level. This request also reflects a one-percent pay increase for civilian employees, an adjustment to the rent costs for the agency headquarters, and funding for three additional counsels in the Office of the Chairman and Commissioners.

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). From FY 2000 through FY 2005, the average number of cases filed was 2,307 per year. However, since FY 2006 the number of new cases filed in a given year has increased steadily, and in FY 2015 it is expected that the Commission will

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receive 6,898 new cases for review. The Commission's overall management priority continues to be the expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels.

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 7,612 by the end of FY 2013.

We project that the Commission will begin FY 2015 with 7,612 undecided trial cases. During FY 2015, we anticipate that 6,898 new cases will be filed, and that Commission judges will dispose of 6,898 cases. Thus, the case inventory at the end of the year will remain unchanged at 7,612.

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.

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 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.

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The Commission has also identified the need for an electronic Case Management System (CMS). The Commission intends to begin operation of an electronic CMS in FY 2014. 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 to promote greater public understanding of the Commission's activities.

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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. 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 degree of gravity and negligence involved. 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

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

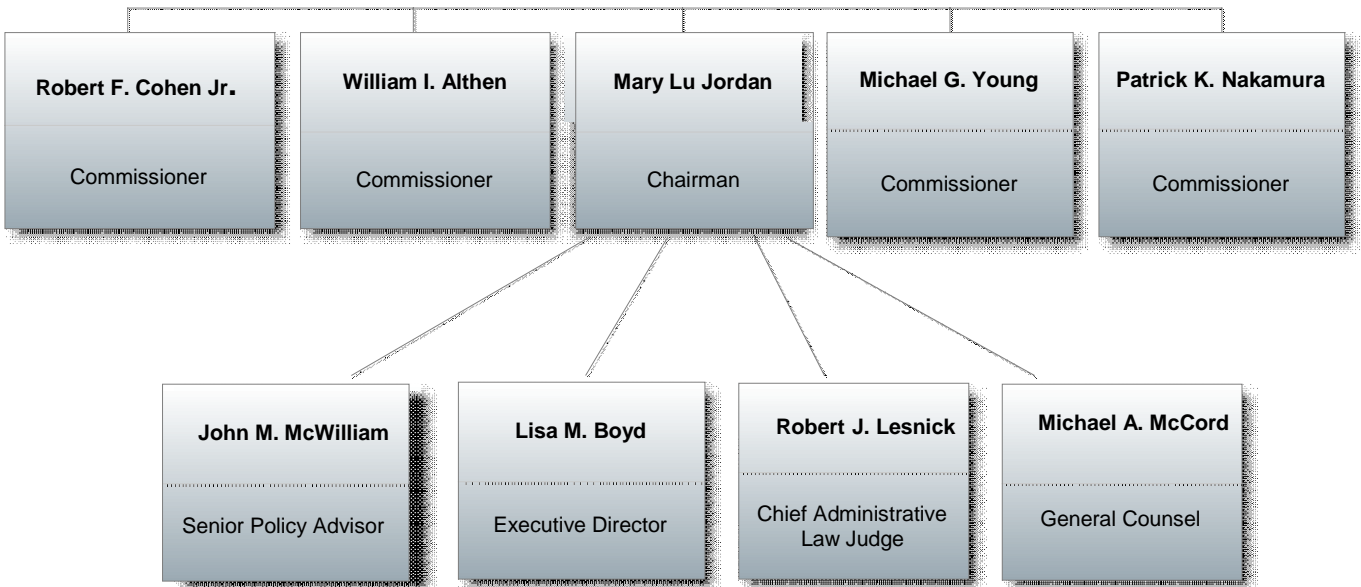
The Commission has two strategic goals:

Strategic Goal 1: Ensure expeditious, fair, and legally sound adjudication of cases at both levels of review

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>
Mary Lu Jordan, Chairman	August 30, 2014
Michael G. Young	August 30, 2014
Patrick K. Nakamura	August 30, 2016
Robert F. Cohen Jr.	August 30, 2018
William I. Althen	August 30, 2018

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] \$17,061,000.*

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 2013 Enacted	FY 2014 Enacted	FY 2015 Request
Budget Authority	\$16,683	\$16,423	\$17,061
FTE	74	76	79

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

In FY 2015, the Commission is requesting \$17,061,000 and 79 FTE. This includes funding for:

- Inflationary adjustments (\$164,000), including a one percent pay raise
- An increase in the rent costs for the agency headquarters (\$189,000)
- Three additional counsels to support the Commissioners (\$285,000)

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Summary by Function

Dollars in thousands

Function	FY 2013 Enacted		FY 2014 Enacted		FY 2015 Request	
	FTE	Budget Authority	FTE	Budget Authority	FTE	Budget Authority
Administrative Law Judge	48	\$11,781	48	\$11,351	48	\$11,595
Commission Review	20	\$4,008	22	\$4,210	25	\$4,586
Office of Executive Director	6	\$894	6	\$862	6	\$880
Total	74	\$16,683	76	\$16,423	79	\$17,061

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ADMINISTRATIVE LAW JUDGE FUNCTION

Administrative Law Judge Function			
Dollars in thousands			
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request
Budget Authority	\$11,781	\$11,351	\$11,595
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 FY 2015 budget includes the following objective for the Administrative Law Judge function:

- Ensure timely issuance of decisions at the trial level.

FY 2015

The Commission's FY 2015 budget request includes 48 FTEs and \$11,595,000 for OALJ.

The FY 2015 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 360 days for FY2015, a reduction from the pendency of 463 days in FY

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2013. Pendency is the average time between receipt of a case and case disposition. The Commission expects to be able to meet that goal in FY 2015.

The Commission estimates that 7,612 trial level cases will be pending at the beginning of FY 2015. New case filings are expected to remain steady from FY 2014 levels. As such, the Commission anticipates that it will receive 6,898 new cases during FY 2015, and will dispose of 6,898 cases during the same period. The Commission's immediate goal is to achieve a steady state of disposing of the same number of cases as received. The funding guidance will allow the Commission to meet that goal.

FY 2014

The Commission began FY 2014 with an inventory of 7,612 undecided cases, and 6,898 new cases are anticipated for the year.

The Commission expects to dispose of 6,898 cases in FY2014, achieving a steady state of dispositions equaling new cases.

The Commission expects to reach the pendency goal of 360 days for trial level during FY 2014.

This is expected to result in an FY 2014 end-of-year inventory of 7,612 undecided cases. This would be the fourth year that the number of pending cases was reduced or remained constant at year end.

FY 2013

There were 12,976 cases pending at the start of FY 2013, while 6,898 new cases were received.

The Commission disposed of 12,262 cases. This larger than expected number was the result of the hiring of temporary law clerks and legal assistants on a term basis, using one time savings in rent expense. These temporary hires allowed the Commission to reach a staffing ratio of one law clerk and one legal assistant for every judge and to assign law clerks to a special project on settlements.

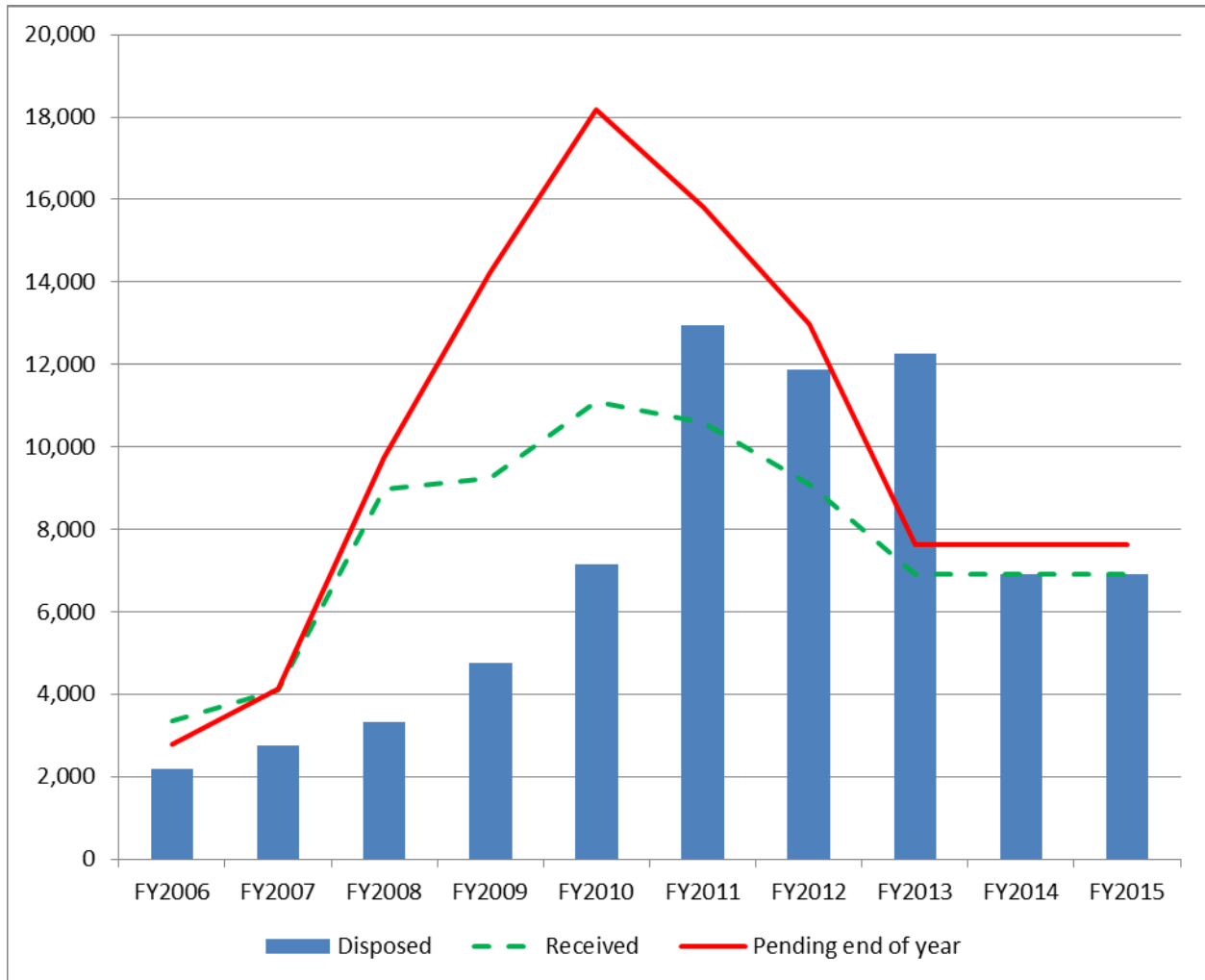
This resulted in an FY 2013 end-of-year inventory of 7,612 undecided cases. This was the third year that the number of pending cases was reduced during the year.

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Administrative Law Judge Function - Caseload Data			
	FY2013 Enacted	FY 2014 Enacted	FY 2015 Request
Cases pending beginning of year	12,976	7,612	7,612
Assessment of civil penalty	10,571	6,234	6,234
Notice of contest	2,334	1,297	1,297
Discrimination proceeding	62	72	72
Compensation proceeding	7	5	5
Other	2	4	4
New cases received	6,898	6,898	6,898
Assessment of civil penalty	6,197	6,197	6,197
Notice of contest	581	581	581
Discrimination proceeding	118	118	118
Compensation proceeding	0	0	0
Other	2	2	2
Total case workload	19,874	14,510	14,510
Assessment of civil penalty	16,768	12,431	12,431
Notice of contest	2,915	1,878	1,878
Discrimination proceeding	180	190	190
Compensation proceeding	7	5	5
Other	4	6	6
Cases disposed	12,262	6,898	6,898
Assessment of civil penalty	10,534	6,197	6,197
Notice of contest	1,618	581	581
Discrimination proceeding	108	118	118
Compensation proceeding	2	0	0
Other	0	2	2
Cases pending end of year	7,612	7,612	7,612
Assessment of civil penalty	6,234	6,234	6,234
Notice of contest	1,297	1,297	1,297
Discrimination proceeding	72	72	72
Compensation proceeding	5	5	5
Other	4	4	4

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Administrative Law Judge Function – Case Workload



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Performance Metrics - Administrative Law Judge Function

Performance Goal	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Results	Target	Target
Average time from receipt to disposition of all cases	Baseline	463 days	360 days	360 days
Average time from receipt to disposition of penalty cases	525	433 days	425 days	425 days
Percent of all cases on hand over 365 days in age	45%	43%	40%	40%

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COMMISSION REVIEW FUNCTION

Commission Review Function			
Dollars in thousands			
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request
Budget Authority	\$4,008	\$4,210	\$4,586
FTE	20	22	25

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*

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sponte review is limited to judges' decisions that are contrary to law or Commission policy, or that present a novel question of policy.

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, or the 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, 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.

In addition, the high number of default cases filed before the Commission continues 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 166 in FY 2013 – a 170% increase. It is expected that the number of new default cases filed will decrease slightly in FY 2015 but still remain much higher than historical levels. Each default case must be carefully analyzed by an OGC attorney-advisor, who then prepares a draft order for consideration by the Commissioners.

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

- Ensure timely issuance of decisions at the appellate level.
- Issue orders in default cases in a timely manner

FY 2015

The Commission is requesting a budget of \$4,586,000 and 25 FTE for its appellate review activities in FY 2015. This includes \$285,000 for three additional two year term appointment FTEs for counsel positions in the Office of the Chairman and Commissioners.

The Commission has been successful in reducing the number of trial level cases on hand. In FY 2010, there were 18,190 cases on hand at year end. In FY 2013, there were 7,612. This reduction is primarily the result of the efforts of the special temporary backlog teams created in the Office of the Administrative Law Judges (OALJ).

However, as a result of the tremendous increase in trial level cases and decisions that occurred over the last five years, the number of cases on appeal before the Commission has increased significantly. The number of substantive cases on appeal before the five Commissioners at year end has grown from 8 cases in FY 2009 to an estimated 70 cases in FY 2015, an increase of more than 700%. The Commissioners have a growing concern regarding the imbalance between the number of incoming appeals received by the Commission and the number of dispositions issued. This imbalance means that decisions in many cases are inevitably delayed.

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 ten days. Due in part to the increased trial caseload, the number of these requests for appeals has grown tremendously.

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In FY 2013 the Commission received 54 such petitions and granted 38 of them. Even those that were denied, however, utilized a significant amount of Commission resources, as the parties' pleadings, legal arguments, and the case record all required careful analysis. Commissioners must also devote a significant amount of time to the growing number of 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.

To further reduce the substantive case load on appeal before the five Commissioners, the Commission is requesting an additional 3 FTEs to provide a full-time Counsel for each of the five Commissioners. The FY 2014 funding level supports two Counsels for the five Commissioners.

The significant increase in workload of substantive cases in the past years has caused a strain on the Counsel resources. Providing a dedicated Counsel for each Commissioner will allow the Commissioners to operate much more efficiently and will have a positive impact on reducing the number of substantive cases on hand down to 64 and a corresponding reduction in the age of the cases on hand.

Counsels perform a wide variety of duties for their Commissioners. They draft and edit decisions, review the pleadings, exhibits and transcripts in the case records, analyze the parties' arguments and discuss their merits with the Commissioners, and provide other types of legal support. They are central to the process of deciding whether a petition for appellate review should be granted or denied, which, as previously mentioned, is a time-sensitive process.

In FY 2015, it is expected that 104 cases will be pending before the Commission at the beginning of the year, and an estimated 171 new cases will be filed during the year. Approximately 210 dispositions are expected, of which an estimated 65 will be in substantive cases and 145 in default cases. Thus, it is anticipated that the Commission's appellate docket will contain 103 undecided cases at the end of FY 2015.

FY 2014

The Commission received \$4,210,000 and 22 FTE for FY 2014.

In FY 2014, the Commission began the year with an inventory of 137 undecided cases, and 171 new cases are anticipated for the year. An estimated 204 case dispositions

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are expected, consisting of 59 dispositions in substantive cases and 145 dispositions in default cases. Thus, it is anticipated that the Commission's appellate docket will contain 104 undecided cases at the end of FY 2014.

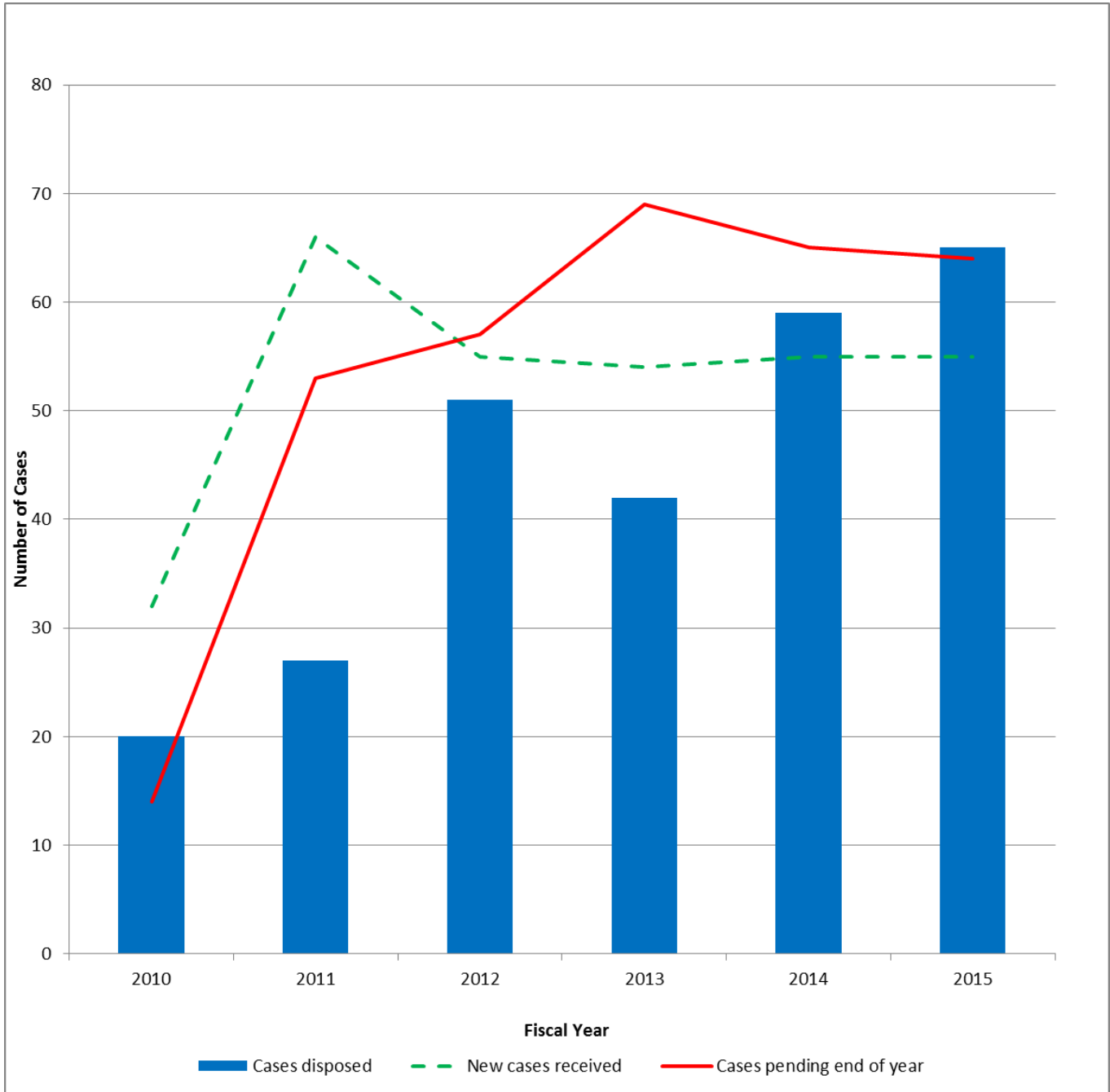
FY 2013

The Commission received \$4,008,000 and 20 FTE in FY 2013.

The Commission began FY 2013 with an inventory of 159 undecided appellate cases and received 186 new cases during the year. There were 208 case dispositions, 42 of which were substantive cases and 166 were default cases. The Commission's appellate docket contained 137 undecided cases at the end of FY 2013.

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Commission Review Function Substantive Cases



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Commission Review Function - Caseload Data			
	FY 2013 Enacted	FY 2014 Enacted	FY2015 Request
Cases pending beginning of year	159	137	104
Substantive cases	57	69	65
Default cases	102	68	39
New cases received	186	171	171
Substantive cases	54	55	55
Default cases	132	116	116
Total case workload	345	308	275
Substantive cases	111	124	129
Default cases	234	184	184
Cases disposed	208	204	210
Substantive cases	42	59	65
Default cases	166	145	145
Cases pending end of year	137	104	103
Substantive cases	69	65	64
Default cases	68	39	39

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Performance Metrics - Commission Review Function

Performance Goal	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Results	Target	Target
Average time to issuance of decision in substantive cases	Baseline	27.7 months	28 months	28 months
Average time from briefing completion to issuance of	Baseline	23.9 months	24 months	24 months
Percent of substantive cases on hand over 18 months in age	Baseline	43%	40%	40%
Percent of default cases on hand over 6 months in age	15%	13%	13%	13%

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OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

Office of the Executive Director Function			
Dollars in thousands			
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request
Budget Authority	\$894	\$862	\$880
FTE	6	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.

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FY 2015

The Commission is requesting an FY 2015 budget of \$880,000 and 6 FTE.

FY 2014

The Commission received \$862,000 and 6 FTE for FY 2014.

It is expected that the electronic case management system will be implemented in FY 2014.

FY 2013

The Commission received \$894,000 and 6 FTE in FY 2013.

CHARTS AND GRAPHS

Federal Mine Safety and Health Review Commission

Budget Authority by Object Class

FY 2015 Budget Request by Object Class			
Dollars in thousands			
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request
Personnel Compensation	7,349	8,016	8,097
Other than Full-Time Permanent	<u>358</u>	<u>384</u>	<u>388</u>
Total, Personnel Compensation	7,707	8,400	8,769
Personnel Benefits, Civilian	2,011	2,168	2,190
Benefits to Former Employees	11	12	12
Travel and Transportation of Persons	312	331	334
Transportation of Things	30	32	32
Rental Payments to GSA	1,457	1,706	1,961
Communications, Utilities, and Misc.	348	369	373
Printing and Reproduction	23	24	24
Other Services	3,329	2,625	2,602
Supplies and Materials	347	325	328
Equipment	1,109	431	435
Total	16,683	16,423	17,061

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Personnel Summary

	2013 ENACTED	2014 ENACTED	2015 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	7	7
GS-12	3	3	6
GS-11	16	16	16
GS-9	4	4	4
GS-8	7	5	5
GS-7	3	3	3
GS-6	2	2	2
GS-5	-	-	-
SUBTOTAL	47	49	52
Total Permanent Full-time Positions	74	76	79
Unfilled positions end-of-year	0	-	-
Total, full-time permanent employment end-of-year	75	-	-
Cumulative Full-time equivalent (FTE) usage	74	-	-

	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request
Average EX Salary	\$157,460	\$159,035	\$159,035
Average ES Salary	\$169,730	\$171,427	\$173,142
Average AL Salary	\$164,465	\$166,110	\$174,852
Average GS Salary	\$79,606	\$80,402	\$76,647

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Amounts Available for Obligation (in millions)

	FY 2013		FY 2014		FY 2015	
	FTE	Amount	FTE	Amount	FTE	Amount
Appropriation, total estimated obligations	74	\$16.683	76	\$16.423	79	\$17.061

Summary of Changes by Budget Authority (in millions)

Budget Authority	FY 2013	FY 2014	FY 2015	Net Change (FY 2014 to FY 2015)
Appropriations	\$16.683	\$16.423	\$17.061	\$.638
Full-time Equivalent	74	76	79	3

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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	17,604,000 ¹³	72
2013	16,000,000	--	--	16,683,000	74
2014	16,423,000	--	--	16,423,000	76 (e)
2015	17,601,000				79 (e)

(e) = estimated

¹ FTE for FY 2013 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, 2013, P.L. 112-10.

¹³ Reflects reduction of \$33,334 pursuant to Section 527(a) of the Consolidated Appropriations Act, 2013, P.L. 112-74.

¹⁴ Reflects the 2013 Continuing Resolution level.