

Federal Mine Safety and Health Review Commission FMSHRC

Congressional Budget Justification FISCAL YEAR 2027



April 3, 2026

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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INTRODUCTION

About Us

The Federal Mine Safety and Health Review Commission (FMSHRC, or the 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. The Commission is entirely independent and is not a component of the Department of Labor (DOL) or Mine Safety and Health Administration (MSHA).

Section 113 of the Mine Act establishes FMSHRC 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 FMSHRC, 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.

Our Mission

The mission of FMSHRC is to provide just, speedy, and legally sound adjudication of proceedings authorized under the Mine Act in a manner that deters noncompliance with the Act and ensures that a penalty once proposed and contested before the Commission is not compromised out of view of the public or without justification.

Functions and Procedures

The Commission carries out its responsibilities through trial-level adjudication by administrative law judges and appellate review of the judges' decisions by a five-member Commission. The Commissioners are appointed by the President and confirmed by the Senate.

Most cases involve the contest of civil penalties proposed by MSHA to mine operators for alleged violations of mandatory health and safety standards, and address whether the alleged safety and health violations occurred as well as the assessment of appropriate civil penalties sufficient to deter operator noncompliance. The Commission is required by the Mine Act to review proposed penalty settlements between operators and MSHA to ensure that a penalty, once proposed and contested before the Commission, is not compromised out of the view of the public and without justification. Other types of cases include contests of MSHA orders to close a mine for health or safety reasons, miners' requests for compensation after being idled by such orders, review of MSHA's approval or disapproval of operators' emergency response and other mine safety plans, miners' complaints that they suffered discrimination because they exercised protected safety rights, and miners' allegations of interference with the exercise of such rights. Disputes involving the temporary reinstatement of a miner or an emergency response plan must be decided on an expedited basis.

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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 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 Chair of the Commission is responsible for the administrative operations of the Commission. The Chief Operating Officer oversees the Commission's daily operations and provides management guidance to the Chair to ensure Commission compliance with federal regulations and improve the Commission's overall efficiency and effectiveness.

Location

FMSHRC is headquartered in Washington, DC, with satellite offices located in Denver, Colorado, and Pittsburgh, Pennsylvania.

Strategic Goals

FMSHRC has four strategic goals:

Strategic Goal 1: Improve Adjudicatory Processes Across Trial and Appellate Functions.

Strategic Goal 2: Strengthen Internal Controls and Governance.

Strategic Goal 3: Effectively Monitor and Evaluate Organizational Performance.

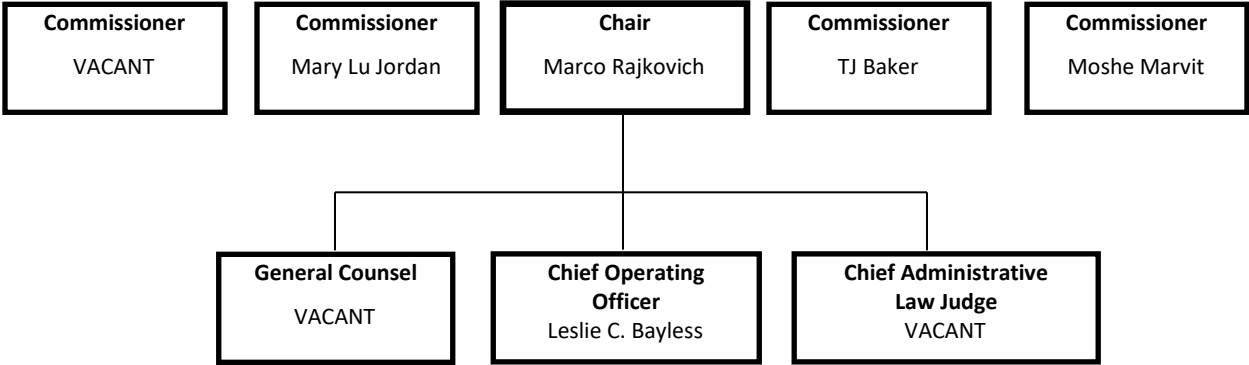
Strategic Goal 4: Promote Evidence-Based Management.

CURRENT LEADERSHIP

Commission Members

Name	Term Expiration
Marco Rajkovich, Chair	August 30, 2030
Moshe Marvit	August 30, 2028
Mary Lu Jordan	August 30, 2026
TJ Baker	August 30, 2026
Vacant	August 30, 2030

Key Personnel Organization Chart



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BUDGET REQUEST SUMMARY

Request

FMSHRC is requesting a budget of \$16.909 million in FY 2027 to support 55 full-time equivalent (FTE) staff members, enabling the Commission to carry out its mission and support Administration priorities.

APPROPRIATIONS LANGUAGE

Salaries and Expenses

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$16,909,000.

AUTHORIZING LEGISLATION

(containing indefinite authority)

Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. § 801 etseq.)

JUSTIFICATION BY ORGANIZATIONAL COMPONENT

Dollars in thousands

	FY 2025 Actual¹	FY 2026 Enacted	FY 2027 Request
Budget Authority²	\$18.012	\$18.012	\$16.909
FTE	55	55	55

¹ FY 2025 reflects actual FTE. Authorized FTE for FY 2025 was 67.

² Budget Authority is at the agency level, not further subdivided by organizational component.

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Overview

The Commission's authorizing statute, the Mine Act, outlines two major organizational components to fulfill its mission: the trial and appellate levels.

1. Trial Level – Office of the Chief Administrative Law Judge (OCALJ)

OCALJ is led by the Chief Administrative Law Judge and provides trial-level adjudication by Administrative Law Judges (ALJs). The ALJs hear and decide cases initiated by the Secretary of Labor, mine operators, miners, and miners' representatives.

The OCALJ staff is divided among three geographical locations, with no further subdivision of components, all reporting through the same chain of command under the Chief Administrative Law Judge.

2. Appellate Level – Office of the Chair and Commissioners (OCC)

a. Commissioner Function

OCC is led by a 5-member Commission. The Commission hears appeals of ALJs' 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.

b. Counsel Function

The Commission receives support from Counsels led by the General Counsel. In addition to fulfilling its agency appellate functions, Counsels fulfill other statutorily and regulatorily mandated functions and roles for the agency, such as those required by the Freedom of Information Act (5 U.S.C. § 552), the Ethics in Government Act of 1978, the Government in the Sunshine Act (5 U.S.C. § 552b), the Privacy Act of 1974 (5 U.S.C. § 552a) and the Mine Act's provisions for judicial review (30 U.S.C. § 816).

c. Agency Operations Function

The Chair of the Commission is also responsible for its administrative operations. This function is being carried out by the Chief Operating Officer, who reports directly to the Chair and is responsible for overseeing and implementing agency-wide operational functions.

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Dollars in thousands	FY 2025 Actual	FY 2026 Enacted	FY 2027 Request
Organizational Component	FTE	FTE	FTE
Trial Level (OCALJ)	32	32	32
Appellate Level (OCC)	23	23	23
Total	55	55	55

Trial Level – Office of the Chief Administrative Law Judge (OCALJ)

Cases at the trial level are handled by FMSHRC’s Office of the Chief Administrative Law Judge (OCALJ). FMSHRC employs ALJs to hear and decide contested cases at the trial level. The ALJs afford mine operators, miners, and their representatives a full opportunity to participate in the hearing process. FMSHRC ALJs are also responsible for evaluating and approving or denying settlement agreements proposed by the parties under the Mine Act.

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

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FMSHRC has established the following strategic objectives for trial-level cases:

Strategic Objective 1.1: Ensure Timely Issuance of Decisions at the Trial Level³			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
1.1.1 Average time from receipt to the disposition of all cases.	180 days	200 days	200 days
1.1.2 Average time from an Answer to the disposition of all cases.	N/A	200 days	180 days
1.1.3 Average time from an Answer to the disposition of all cases, excluding appeals to the Commission and Circuit Courts, contest cases, motions to reopen cases, and cases with Special Investigation-related stays.	N/A	170 days	170 days
1.1.4 Average time from an Answer to the disposition of all cases after referral to Settlement Counsel or Settlement Judge for mediation.	N/A	200 days	200 days
1.1.5 Average time from receipt to the disposition of penalty cases.	180 days	200 days	200 days
1.1.6 Average time from an Answer to the disposition of penalty cases.	N/A	180 days	180 days
1.1.7 Average time from an Answer to the disposition of penalty cases, excluding appeals to the Commission and Circuit Courts, contest cases, motions to reopen cases, and cases with Special Investigation-related stays.	N/A	170 days	170 days
1.1.8 Percent of all cases on hand over 365 days in age.	14%	10%	10%
1.1.9 Percent of all cases on hand over 365 days in age, measured from receipt of Answer.	N/A	10%	10%
1.1.10 Percent of all cases on hand over 365 days in age measured from receipt of Answer, excluding appeals to the Commission and Circuit.	N/A	10%	10%

³ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FY 2027

For FY 2027, FMSHRC established a pendency goal for trial-level cases of 200 days. Pendency is the average time between receipt of a case and case disposition.

FMSHRC estimates that 1,315 trial-level cases will be pending at the beginning of FY 2027. FMSHRC anticipates receiving 2,300 new cases and disposing of 2,030 cases during FY 2027.

FY 2026

FMSHRC established a pendency goal for trial-level cases of 200 days for FY 2026. The reason for this upward adjustment in comparison to FY 2025 is due to several Administrative Law Judge retirements.

FMSHRC estimates that 1,151 trial-level cases will be pending at the beginning of FY 2026. FMSHRC anticipates receiving 2,200 new cases and disposing of 2,036 cases during FY 2026.

FY 2025

FMSHRC achieved a pendency goal for trial-level cases of 180 days for FY 2025.

FMSHRC had 1,237 trial-level cases pending at the beginning of FY 2025. FMSHRC received 2,397 new cases and disposed of 2,483 cases during FY 2025.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Trial Level – Caseload Data			
	FY 2025 Actual	FY 2026 Estimate	FY 2027 Estimate
Case Inventory, Start of Year	1237	1151	1315
Assessment of civil penalty	1104	996	1120
Notice of contest	102	125	155
Discrimination and compensation	31	30	40
Total New Cases	2397	2200	2300
Assessment of civil penalty	2128	1930	2030
Notice of contest	224	230	230
Discrimination and compensation	45	40	40
Total Caseload	3634	3351	3615
Assessment of civil penalty	3232	2926	3150
Notice of contest	326	355	385
Discrimination and compensation	76	70	80
Total Disposals	2483	2036	2030
Assessment of civil penalty	2236	1806	1775
Notice of contest	201	200	220
Discrimination and compensation	46	30	35
Total Case Inventory, End of Year	1151	1315	1585
Assessment of civil penalty	996	1120	1375
Notice of contest	125	155	165
Discrimination and compensation	30	40	45

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Appellate Level – Office of the Chair and Commissioners (OCC)

Commissioner 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 FMSHRC 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 in which 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 ALJs' decisions is set forth in section 113(d)(1) of the Mine Act. The Act states that an ALJ'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 FMSHRC when two or more Commissioners vote to grant a petition for discretionary review filed by a party adversely affected or aggrieved by the ALJ's decision. FMSHRC may also consider an ALJ's interlocutory ruling under certain circumstances.

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

By law, a quorum of three Commissioners is required to decide substantive cases. When FMSHRC lacks a quorum of Commissioners, it cannot issue decisions, which affects the average time required to reach decisions.

Counsel Function

The Counsels are responsible for conducting the initial research in substantive cases and, sometimes, when requested, will prepare the draft opinions for Commissioners. Each Commissioner is assigned an attorney advisor as Counsel, who reports directly to the individual Commissioner and assists with research and preparation of opinions. The Counsels also perform other duties, such as responding to Freedom of Information Act (FOIA) requests, ethics counseling and training, and review of financial disclosure forms. In addition, Counsels are primarily responsible for formulating and drafting FMSHRC's rulemaking initiatives.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FMSHRC has established the following strategic objectives for appellate-level cases:

Strategic Objective 1.2: Ensure Timely Issuance of Decisions at the Appellate Level			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
1.2.1 Average time from direction for review to issuance of decision.	17 months	N/A	N/A
1.2.2 Average time from briefing completion to issuance of decision.	15 months	N/A	N/A
1.2.3 Percent of cases on hand over 18 months in age.	19%	N/A	N/A
1.2.1 Average time from briefing completion to issuance of a decision. ⁴	N/A	< 12 months	< 12 months
1.2.2 Completion of periodic appellate docket reviews. ⁵	N/A	Every 30 days	Every 30 days

Strategic Objective 1.3: Issue Orders Addressing Motions to Reopen (MTR) Cases⁶ in a Timely Manner			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
1.3.1 Average time from receipt of the motion to issuance of final order.	12 months	N/A	N/A
1.3.1 Average time from receipt of final submission relating to the MTR to issuance of final order. ⁷	N/A	120 days	120 days
1.3.2 Completion of periodic reviews of pending MTR. ⁸	N/A	Every 30 days	Every 30 days

⁴ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

⁵ *Id.*

⁶ The Commission’s motions to reopen cases were formerly referred to as “default cases.” Although the terms refer to the same cases, the term “motion to reopen” more accurately reflects the nature of the proceeding than the term “default” does.

⁷ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

⁸ *Id.*

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Strategic Objective 3.1: Promote Public Trust through FOIA Transparency⁹			
	FY 2025	FY 2026	FY 2027
	Actual	Target	Target
3.1.1 Average age of complex FOIA requests	N/A	< 6 months	< 6 months
3.1.2 Simple FOIA requests processed within the statutory period of 20 days	N/A	100%	100%
3.1.3 FOIA requests received and closed during the same fiscal year	N/A	90%	90%

⁹ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

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FY 2027

The appellate caseload includes several types of cases, including those for which, by law, FMSHRC must issue rulings quickly. For example, FMSHRC hears appeals of temporary reinstatement cases, which are discrimination cases. Under FMSHRC's procedural rules, appeals of these types of decisions must be adjudicated within an extremely short timeframe. Commissioners' workload also includes deciding whether to accept petitions for discretionary review, which by statute must generally be granted or denied within approximately 10 days.

In FY 2027, it is expected that 59 substantive and motion to reopen (MTR) cases will be pending at the beginning of the year, and an estimated 67 new cases will be filed during the year. Approximately 62 dispositions are expected, of which an estimated 12 will be substantive cases, and 50 will be MTR cases. It is anticipated that FMSHRC's appellate docket will contain 64 cases at the end of FY 2027.

The legal proceedings involved in disposing of substantive cases are expected to take an average of 12 months. Therefore, the cases disposed of during the year include both those received in a previous year but not disposed of that year (cases pending at the end of the prior year) and those received during the current year. FMSHRC will continue to work expeditiously to achieve the goals for case backlog and pendency.

FY 2026

In FY 2026, it is expected that 50 cases (Substantive and MTR) will be pending at the beginning of the year. FMSHRC anticipates 72 new cases will be filed during FY 2026. Approximately 63 dispositions are expected, of which an estimated 13 will be substantive cases, and 50 will be MTRs. FMSHRC anticipates the appellate docket will contain 59 cases at the end of FY 2026.

FY 2025

In FY 2025, a total of 64 cases (Substantive and MTR) were pending at the beginning of the year. FMSHRC received 67 new cases during FY 2025 and disposed of 81 cases during the same period. At the end of FY 2025, the appellate docket contained 50 cases.

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Appellate Level – Caseload Data			
	FY 2025 Actual	FY 2026 Estimate	FY 2027 Estimate
Case Inventory, Start of Year	64	50	59
Substantive cases	17	16	15
MTR cases	47	34	44
Total New Cases	67	72	67
Substantive cases	12	12	12
MTR cases	55	60	55
Total Caseload	131	122	126
Substantive cases	29	28	27
MTR cases	102	94	99
Total Disposals	81	63	62
Substantive cases	13	13	12
MTR cases	68	50	50
Total Case Inventory, End of Year	50	59	64
Substantive cases	16	15	15
MTR cases	34	44	49

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Agency Operations Function

The Chief Operating Officer oversees the Commission's daily operations and leads the Agency Operations Function, which provides mission support services to FMSHRC in fulfilling its mission and strategic goals.

The primary functions are financial management, human resources, information technology services, procurement and contracting, facilities management, and general administrative support.

- The financial management services function includes budget and accounting, such as budget formulation, budget execution, funds control, financial reporting, and vendor payments.
- Human resources services include recruitment and placement, classification, pay administration, performance management and incentive awards, employee benefits and retirement, personnel security, coordination of employee training programs, and wellness and employee assistance programs.
- Information technology includes help-desk functions, network administration, cybersecurity oversight and implementation, policy formulation, and telecommunications.
- Procurement and contracting include specific matters such as maintaining a simplified acquisition program for supplies and services, contract implementation and oversight, and coordination of services and supplies.
- Facilities management includes property and space management, OSHA compliance, emergency evacuation, and physical security.
- General administrative service support includes oversight and administration of employee travel authorizations and reimbursements, and the metro subsidy program.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FMSHRC has established the following strategic objectives for the Agency Operations Function:

- Strategic Objective 2.1* – Establish an Enterprise Risk Management (ERM) Framework.
- Strategic Objective 2.2* – Improve Internal Controls to Mitigate Enterprise Risks.
- Strategic Objective 2.3* – Promote a Risk-Aware Organizational Culture
- Strategic Objective 2.4* – Reinforce Information Technology, Data, and Security Capabilities
- Strategic Objective 3.2* – Monitor Timeliness and Workload Across Key Functions.
- Strategic Objective 3.3* – Enhance Performance Reporting.
- Strategic Objective 4.1* – Use Evidence-Based Workforce Planning and Resource Allocation.
- Strategic Objective 4.2* – Strengthen Human Capital Accountability Through Evidence-Based Practices.

A qualitative description of progress is outlined below. Quantitative performance measures will be established to track progress toward achieving these strategic objectives.

FMSHRC will strengthen Agency operations by enhancing internal controls, fostering a risk-aware culture, improving information technology and data capabilities, and advancing performance and workforce management. The Agency will refine internal control processes to mitigate enterprise risks and ensure alignment with federal standards, while promoting accountability by integrating risk management into leadership practices, training, and daily operations. FMSHRC will reinforce its IT infrastructure, data governance, and cybersecurity capabilities to support secure, reliable, and data-driven decision-making. The Agency will also monitor timeliness and workload across key functions and improve performance reporting to provide leadership with clear, actionable insights. In addition, FMSHRC will apply evidence-based approaches to workforce planning, resource allocation, and human capital accountability to ensure alignment with mission priorities. These efforts will enhance operational efficiency, strengthen accountability, and support effective mission delivery.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Strategic Objective 2.1: Establish an Enterprise Risk Management (ERM) Framework¹⁰			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
2.1.1 ERM framework approved and implemented	N/A	Yes	Yes
2.1.2 Percentage of organizational functions represented in the enterprise risk register	N/A	100%	100%
2.1.3 Percentage of high-priority enterprise risks with documented mitigation strategies	N/A	100%	100%

Strategic Objective 2.2: Improve Internal Controls to Mitigate Enterprise Risks¹¹			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
2.2.1 Percentage of enterprise risk areas with documented internal control assessments completed	N/A	100%	100%
2.2.2 Number of internal control gaps identified through assessments	N/A	0	0
2.2.3 Percentage of identified control gaps documented with preliminary risk ratings or impact assessments	N/A	75%	75%

Strategic Objective 2.3: Promote a Risk-Aware Organizational Culture¹²			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
2.3.1 Percentage of staff receiving ERM training	N/A	100%	100%
2.3.2 Participation in formal risk identification and reporting processes	N/A	100%	100%

¹⁰ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

¹¹ *Id.*

¹² *Id.*

**Strategic Objective 2.4:
Reinforce Information Technology, Data, and Security Capabilities¹³**

	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
2.4.1 Completion of baseline assessments of IT, data, and security controls	N/A	Yes	Yes
2.4.2 Percentage of critical systems or data domains with documented security or control reviews completed	N/A	75%	75%
2.4.3 Number of high-level IT or security gaps identified through assessments	N/A	0	0

FY 2027

In FY 2027, FMSHRC will mature and institutionalize its Enterprise Risk Management (ERM) program, ensuring full implementation across all organizational functions and implementing comprehensive mitigation strategies for high-priority risks. The agency will sustain effective internal controls by ensuring complete coverage of risk areas and continued identification and assessment of emerging risks, while reinforcing a risk-aware culture through ongoing staff training and reporting mechanisms.

FMSHRC will strengthen its IT, data, and security posture by maintaining baseline assessments and conducting regular reviews of critical systems. FMSHRC aims to have zero high-level gaps by FY 2027.

These efforts will ensure a fully integrated, risk-informed, and resilient organization aligned with federal best practices.

FY 2026

In FY 2026, FMSHRC will focus on establishing the foundational elements of its ERM program, transitioning from preliminary planning to the development of a structured and sustainable framework. The agency will work toward formal approval and initial implementation of this framework by clearly defining governance structures, roles, and responsibilities, and by developing a centralized enterprise risk register that reflects all organizational functions.

¹³ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

As part of this effort, FMSHRC will begin identifying and documenting enterprise risks while initiating mitigation strategies for high-priority areas. These actions are intended to achieve broad risk coverage and position the agency for sustained ERM implementation in FY 2027. Concurrently, FMSHRC will conduct initial internal control assessments across enterprise risk areas, laying the groundwork for more comprehensive evaluations and continuous improvement in the years ahead. While minimizing control gaps remains a priority, these early assessments may identify areas requiring further refinement; accordingly, at least 75 percent of identified gaps will be documented with preliminary risk ratings or impact assessments.

To support a risk-aware organizational culture, FMSHRC will also begin delivering ERM training to staff and establishing reporting channels that encourage risk identification across the workforce. These efforts will help integrate risk management principles into daily operations and decision-making processes.

Collectively, these initiatives will establish the structural, technical, and cultural foundation necessary to support full ERM implementation and optimization in FY 2027.

In parallel, FMSHRC will modernize its Enterprise Case Management System (eCMS) by integrating artificial intelligence capabilities to enhance case processing. This modernization will ensure compliance with federal requirements, including FISMA and NIST standards, while strengthening records management, improving data governance, and enhancing overall mission effectiveness.

FY 2025

In FY 2025, FMSHRC focused on building the foundational infrastructure necessary to support a comprehensive ERM program and strengthening internal controls, risk awareness, and IT security capabilities. These efforts laid the preliminary groundwork for future formal ERM implementation.

FMSHRC made significant progress in modernizing its IT and data environment, including migrating 75 percent of mission-critical systems to a FedRAMP moderate-authorized cloud environment and piloting virtual desktop infrastructure (VDI) to enhance secure access. The agency also conducted enterprise-wide vulnerability scans and remediated critical and high-risk findings, advancing alignment with federal cybersecurity priorities, including the Zero Trust Architecture framework.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**Strategic Objective 3.2:
Monitor Timeliness and Workload Across Key Functions¹⁴**

	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
3.2.1 Timeliness and workload indicators monitored for identified core functions	N/A	Yes	Yes
3.2.2 Routine performance trends produced	N/A	Every 90 days	Every 90 days
3.2.3 Significant performance variances or bottlenecks identified and elevated for leadership	N/A	Yes	Yes

**Strategic Objective 3.3:
Enhance Performance Reporting¹⁵**

	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
3.3.1 Performance reports produced on a defined schedule	N/A	Yes	Yes
3.3.2 Percentage of performance data validated for accuracy and completeness	N/A	80%	80%

FY 2027

In FY 2027, FMSHRC will strengthen its ability to monitor timeliness and manage workload across key functions by aligning workforce planning, performance management, and resource allocation with mission priorities. The agency will leverage data-driven insights and workforce analytics to assess workload distribution, identify capacity gaps, and support informed staffing and succession planning decisions.

Efforts will focus on refining performance metrics, establishing clear timeliness expectations, and enhancing accountability for case processing and administrative functions. FMSHRC will also improve the use of workforce data and management tools to track productivity, anticipate workload trends, and promote operational efficiency. These actions will help ensure that human capital resources are strategically aligned, responsive to changing demands, and positioned to sustain high-quality and timely mission delivery.

¹⁴ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

¹⁵ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FY 2026

These metrics were established in the FY 2026-2030 Strategic Plan and baseline data collection are planned to begin in FY 2026.

FY 2025

These metrics were established in the FY 2026-2030 Strategic Plan and were not tracked in FY 2025.

Strategic Objective 4.1: Use Evidence-Based Workforce Planning and Resource Allocation¹⁶			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
4.1.1 Staffing plan informed by workforce and workload analysis completed	N/A	Yes	Yes
4.1.2 Percentage of hiring actions aligned with identified staffing or capability needs	N/A	100%	100%
4.1.3 Percentage of resource allocation decisions supported by documented workforce or workload data	N/A	100%	100%

Strategic Objective 4.2: Strengthen Human Capital Accountability Through Evidence-Based Practices¹⁷			
	FY 2025	FY 2026	FY 2027
Performance Goal	Actual	Target	Target
4.2.1 Percentage of hiring actions reviewed for appropriate use of hiring authorities	N/A	100%	100%
4.2.2 Percentage of hiring officials completing merit-based hiring training	N/A	75%	75%
4.2.3 Percentage of hiring-related issues identified through reviews or audits that are documented and addressed	N/A	100%	100%

¹⁶ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

¹⁷ *Id.*

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FY 2027

In FY 2027, FMSHRC will strengthen workforce planning and resource allocation by using workforce analytics and workload data to align staffing and funding with mission priorities. The agency will focus on identifying capacity gaps, addressing critical skill needs, and improving succession planning to ensure a resilient workforce.

FMSHRC will enhance coordination among human capital, budget, and program offices to ensure resources are deployed strategically to meet operational demands. These efforts will improve efficiency, optimize workforce utilization, and support sustained mission delivery.

FY 2026

These metrics were established in the FY 2026-2030 Strategic Plan, and baseline data collection is planned to begin in FY 2026.

FY 2025

These metrics were established in the FY 2026-2030 Strategic Plan and were not tracked in FY 2025.

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BUDGET TABLES

Budget by Object Classification

Dollars in millions					
Budget Object Class		FY2025 Actual	FY 2026 Enacted	FY 2027 Budget Request	Diff. FY 2027 Request / FY 2026 Enacted
11.9	Total Personnel Compensation	10.284	9.810	8.030	-1.780
12.1	Personnel Benefits, Civilian	2.697	2.611	2.888	0.277
13.0	Benefits to Former Employees	0.010	0.010	0.020	0.010
21.0	Travel and Transportation of Persons	0.151	0.053	0.075	0.022
22.0	Transportation of Things	0.011	0.011	0.020	0.009
23.1	Rental Payments to GSA	1.875	1.875	2.079	0.204
23.3	Communications, Utilities, and Misc.	0.807	0.135	0.135	0
24.0	Printing and Reproduction	0.015	0.015	0.015	0
25.0	Other Services	1.889	3.192	3.347	0.155
26.0	Supplies and Materials	0.150	0.100	0.100	0
31.0	Equipment	0.123	0.200	0.200	0
	Unobligated	0.123*			
	Total	18.012	18.012	16.909	-1.103

***Footnote:**

The difference between total budget authority and obligations represents unobligated balances resulting from delayed execution due to lapsed and delayed full-year appropriations and unfilled vacancies.

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Personnel Summary

	FY 2025 Actual	FY 2026 Request	FY 2027 Request
Executive Schedule	3	5	5
Executive Level III	1	1	1
Executive Level IV	2	4	4
Senior Executive Service	2	1	1
ES	2	1	1
Administrative Law Judges	10	9	8
AL-2	1	1	1
AL-3	9	8	7
General Schedule	40	40	41
GS-15	7	7	7
GS-14	6	6	6
GS-13	7	7	7
GS-12	4	6	6
GS-11	5	3	3
GS-9	11	11	12
GS-8	0	0	0
GS-7	0	0	0
Total Permanent Full-Time Positions	55	55	55

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Appropriations and FTE History

Fiscal Year	Budget Request to Congress	Appropriation	FTE ¹⁸
2018	17,053,000	17,184,000	76
2019	17,053,000	17,184,000	76
2020	17,184,000	17,184,000	76
2021	17,184,000	17,184,000	76
2022	17,539,000	17,539,000	76
2023	18,012,000	18,012,000	76
2024	18,657,000	18,012,000	70
2025	17,572,000	18,012,000	67
2026	16,890,000	18,012,000	55
2027	16,909,000		55

¹⁸ FTE ceiling given budget authority, not the actual FTE.

AGENCY PERFORMANCE PLAN

FY 2027 Agency Performance Plan

Agency Mission

The Federal Mine Safety and Health Review (FMSHRC) is an independent adjudicatory agency that provides just, speedy, and legally sound adjudication of proceedings authorized under the Federal Mine Safety and Health Act of 1977. Through fair and transparent decision-making, the FMSHRC promotes public confidence, deters noncompliance with mine safety and health standards, and supports the safety and health of the nation's miners.

Performance Framework

For FY 2027, FMSHRC's performance goals align with its Strategic Plan and statutory mission. Performance priorities reflect workload trends, management assessments, and historical performance results. Measures emphasize adjudicatory timeliness, effective docket management, internal governance, and organizational capacity.

Baseline Data

FY 2025 case data are used as the performance baseline for the FY 2027 Agency Performance Plan because they represent the most recent fiscal year for which adjudicatory data were sufficiently complete and available when this plan was developed. FMSHRC selected FY 2025 as the baseline based on management judgment that the data had undergone internal review and were finalized to the extent practicable.

FMSHRC recognizes that adjudicatory case management data are subject to inherent limitations, including variability in data entry, system constraints, and the potential for later reconciliation or correction. This approach reflects a transparent application of GPRA Modernization Act requirements and OMB Circular A-11 guidance.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Strategic Goal 1

Improve Adjudicatory Processes Across Trial and Appellate Functions

Objective 1.1

Ensure Timely Issuance of Decisions at the Trial Level

Performance Measures and Targets

Measure ¹⁹	Target
1.1.1 Average time from receipt to the disposition of all cases.	200 days
1.1.2 Average time from an Answer to the disposition of all cases.	180 days
1.1.3 Average time from an Answer to the disposition of all cases, excluding appeals to the FMSHRC and Circuit Courts, contest cases, motions to reopen cases, and cases with Special Investigation-related stays.	170 days
1.1.4 Average time from an Answer to the disposition of all cases after referral to Settlement Counsel or Settlement Judge for mediation.	200 days
1.1.5 Average time from receipt to the disposition of penalty cases.	200 days
1.1.6 Average time from an Answer to the disposition of penalty cases.	180 days
1.1.7 Average time from an Answer to the disposition of penalty cases, excluding appeals to the FMSHRC and Circuit Courts, contest cases, motions to reopen cases, and cases with Special Investigation-related stays.	170 days
1.1.8 Percent of all cases on hand over 365 days in age.	10%
1.1.9 Percent of all cases on hand over 365 days in age, measured from receipt of Answer.	10%
1.1.10 Percent of all cases on hand over 365 days in age measured from receipt of Answer, excluding appeals to the FMSHRC and Circuit Courts, contest cases, motions to reopen cases, and cases with Special Investigation-related stay.	10%

Strategies and Planned Actions

In FY 2027, FMSHRC will continue implementing targeted actions to advance Strategic Goal 1: Improve Adjudicatory Processes Across Trial and Appellate Functions by strengthening the timeliness, consistency, and efficiency of trial-level adjudication. FMSHRC will prioritize older and higher-impact cases, expand early case screening practices, and issue procedural orders designed to narrow disputed issues and promote timely resolution. FMSHRC will also increase the appropriate use of settlement facilitation to support fair outcomes while reducing unnecessary delay.

¹⁹ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

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The Office of the Chief Administrative Law Judge will further enhance internal case assignment, workload balancing, and docket-tracking practices to ensure adjudicatory resources are aligned with operational demands. These efforts support the FMSHRC's broader Strategic Plan commitment to effective docket management, organizational accountability, and legally sound decision-making, while preserving due process and maintaining public confidence in the FMSHRC's adjudicatory role.

Objective 1.2

Ensure Timely Issuance of Decisions at the Appellate Level

Performance Measures and Targets

Measure ²⁰	Target
1.2.1 Average time from briefing completion to issuance of a decision.	< 12 months
1.2.2 Completion of periodic appellate docket reviews.	Every 30 days

Strategies and Planned Actions

In FY 2027, FMSHRC will continue workflow and scheduling improvements to reduce appellate decision timelines. Planned actions include earlier coordination of briefing schedules, prompt identification of dispositive issues, and enhanced tracking of post-briefing milestones. The FMSHRC will conduct periodic docket reviews to prioritize long-pending cases while maintaining decision quality.

²⁰ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

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Objective 1.3

Issue Orders Addressing Motions to Reopen Cases in a Timely Manner

Performance Measures and Targets

Measure ²¹	Target
1.3.1 Average time from receipt of final submission relating to the MTR to issuance of final order ²²	120 days
1.3.2 Completion of periodic reviews of pending MTR ²³	Every 30 days

Strategies and Planned Actions

In FY 2027, the appellate level will continue to address Motions to Reopen (MTRs) (formerly referred to as “defaults”) by reviewing cases in which operators failed to timely contest proposed penalties or respond to the Secretary of Labor’s penalty petitions and subsequently filed motions to reopen the resulting final orders. Efforts will focus on ensuring timely, consistent, and legally sound adjudication of these matters.

²¹ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

²² Time period from date of last filing to issuance of final order. Includes only MTR cases. Measured by the average number of days.

²³ Audit of MTR cases pending before the Commission. Occurs monthly or every 30 days.

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Strategic Goal 2

Strengthen Internal Controls and Governance

Objective 2.1

Establish an Enterprise Risk Management (ERM) Framework

Performance Measure and Target

Measure ²⁴	Target
2.1.1 ERM framework approved and implemented.	Yes (Y/N)
2.1.2 Percentage of organizational functions represented in the enterprise risk register.	100%
2.1.3 Percentage of high-priority enterprise risks with documented mitigation strategies.	100 %

Strategies and Planned Actions

In FY 2027, FMSHRC will advance Strategic Goal 2: Strengthen Internal Controls and Governance by establishing an Enterprise Risk Management (ERM) framework to improve organizational resilience and oversight. ERM will provide a structured approach for identifying, assessing, and managing risks that may affect the FMSHRC’s ability to fulfill its adjudicatory mission.

FMSHRC will develop and implement an enterprise risk register that reflects all major operational functions and will ensure that high-priority risks are supported by documented mitigation strategies. These actions will strengthen governance, enhance decision-making, and promote accountability across the organization.

²⁴ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

Objective 2.2

Improve Internal Controls to Mitigate Enterprise Risks

Measure ²⁵	Target
2.2.1 Percentage of enterprise risk areas with documented internal control assessments completed.	100%
2.2.2 Number of internal control gaps identified through assessments.	0
2.2.3 Percentage of identified control gaps documented with preliminary risk ratings or impact assessments.	75%

Strategies and Planned Actions

To support effective governance and responsible stewardship, FMSHRC will continue strengthening internal control processes consistent with **Strategic Goal 2**. In FY 2027, FMSHRC will complete internal control assessments across identified enterprise risk areas and document gaps, risk impacts, and mitigation approaches.

These actions will improve compliance, reduce operational vulnerabilities, and reinforce the FMSHRC’s ability to manage resources effectively while maintaining continuity in mission-critical adjudicatory operations.

Objective 2.3

Promote a Risk-Aware Organizational Culture

Measure ²⁶	Target
2.3.1 Percentage of staff receiving ERM training.	100%
2.3.2 Participation in formal risk identification and reporting processes	100%

Strategies and Planned Actions

In FY 2027, FMSHRC will promote a risk-aware organizational culture by integrating ERM principles into workforce practices and internal communication channels. This objective supports **Strategic Goal 2** by ensuring that staff at all levels understand their role in identifying and managing risks that could affect adjudicatory performance and organizational effectiveness.

Planned actions include providing ERM training to all employees and encouraging the use of staff reporting mechanisms to elevate emerging risks. These efforts will strengthen shared accountability, improve responsiveness, and support proactive risk management.

²⁵ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

²⁶ *Id.*

Objective 2.4

Reinforce Information Technology, Data, and Security Capabilities

Measure ²⁷	Target
2.4.1 Completion of baseline assessments of IT, data, and security controls.	Yes (Y/N)
2.4.2 Percentage of critical systems or data domains with documented security or control reviews completed.	75%
2.4.3 Number of high-level IT or security gaps identified through assessments.	0

Strategies and Planned Actions

In FY 2027, FMSHRC will strengthen IT, data, and security capabilities as part of its commitment to organizational resilience and sound governance under **Strategic Goal 2**. Reliable information systems and secure data practices are essential to supporting adjudicatory operations, maintaining continuity, and protecting sensitive case-related information.

FMSHRC will complete baseline assessments of IT and security controls, document critical system vulnerabilities, and ensure that key systems undergo appropriate reviews. These actions will support secure modernization efforts and strengthen the FMSHRC’s capacity to deliver timely and effective adjudication.

²⁷ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

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Strategic Goal 3

Effectively Monitor and Evaluate Organizational Performance

Objective 3.1

Promote Public Trust through FOIA Transparency

Measure ²⁸	Target
3.1.1 Average age of complex FOIA requests	< 6 months
3.1.2 Simple FOIA requests processed within the statutory period of 20 days	100%
3.1.3 FOIA requests received and closed during the same fiscal year	90%

Strategies and Planned Actions

In FY 2027, FMSHRC will advance Strategic Goal 3: Effectively Monitor and Evaluate Organizational Performance by strengthening transparency and responsiveness under the Freedom of Information Act (FOIA). Timely FOIA processing supports public trust, accountability, and confidence in the FMSHRC's operations.

FMSHRC will continue to monitor the age and closure rates of FOIA requests, prioritize the timely resolution of complex requests, and ensure that simple requests are processed within statutory timeframes. These efforts reinforce the FMSHRC's commitment to open government and effective service delivery.

Objective 3.2

Monitor Timeliness and Workload Across Key Functions

Measure ²⁹	Target
3.2.1 Timeliness and workload indicators monitored for identified core functions.	Yes (Y/N)
3.2.2 Routine performance trends produced.	Every 90 days
3.2.3 Significant performance variances or bottlenecks identified and elevated for leadership	Yes (Y/N)

Strategies and Planned Actions

To support continuous improvement and mission execution, FMSHRC will strengthen monitoring of workload and timeliness indicators across adjudicatory and administrative functions. This objective supports Strategic Goal 3 by enabling leadership to identify bottlenecks, respond to emerging workload challenges, and allocate resources effectively.

²⁸ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

²⁹ *Id.*

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In FY 2027, FMSHRC will produce routine performance trend analyses, monitor core operational indicators, and document significant variances that may affect adjudicatory timeliness or organizational efficiency.

Objective 3.3

Enhance Performance Reporting

Measure ³⁰	Target
3.3.1 Performance reports produced on a defined schedule.	Yes (Y/N)
3.3.2 Percentage of performance data validated for accuracy and completeness.	80%

Strategies and Planned Actions

In FY 2027, FMSHRC will enhance performance reporting practices to align with Strategic Goal 3 and the expectations of the GPRA Modernization Act. Reliable performance reporting supports accountability, transparency, and evidence-based decision-making.

FMSHRC will produce performance reports on a defined schedule, validate performance data for completeness and accuracy, and strengthen internal processes to ensure that performance information is consistent and decision useful.

³⁰ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

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Strategic Goal 4

Promote Evidence-Based Management

Objective 4.1

Use Evidence-Based Workforce Planning and Resource Allocation

Measure ³¹	Target
4.1.1 Staffing plan informed by workforce and workload analysis completed.	Yes (Y/N)
4.1.2 Percentage of hiring actions aligned with identified staffing or capability needs.	100%
4.1.3 Percentage of resource allocation decisions supported by documented workforce or workload data	100%

Strategies and Planned Actions

In FY 2027, FMSHRC will advance Strategic Goal 4: Promote Evidence-Based Management by strengthening workforce planning and aligning staffing resources with adjudicatory workload demands. Evidence-based workforce analysis supports long-term mission sustainability and organizational effectiveness.

FMSHRC will develop staffing plans informed by workload trends, ensure hiring actions address identified capability needs, and incorporate workforce data into resource allocation decisions. These actions will strengthen the FMSHRC's ability to meet adjudicatory responsibilities efficiently.

³¹ Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030

Objective 4.2

Strengthen Human Capital Accountability Through Evidence-Based Practices

Measure ³²	Target
4.2.1 Percentage of hiring actions reviewed for appropriate use of hiring authorities.	100%
4.2.2 Percentage of hiring officials completing merit-based hiring training.	75%
4.2.3 Percentage of hiring-related issues identified through reviews or audits that are documented and addressed	100%

Strategies and Planned Actions

In FY 2027, FMSHRC will continue to strengthen human capital accountability and merit-based hiring practices, consistent with Strategic Goal 4. These efforts ensure that workforce decisions are transparent, compliant, and aligned with mission-critical needs.

Planned actions include reviewing hiring actions for appropriate use of authorities, ensuring hiring officials complete required training, and monitoring for hiring-related risks or deficiencies through internal reviews. These actions will reinforce workforce integrity and support sustained organizational performance.

³² Federal Mine Safety and Health Review Commission Strategic Plan 2026-2030