

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1331 PENNSYLVANIA AVENUE, NW, SUITE 520N
WASHINGTON, D.C. 20004-1710

June 18, 2024

SECRETARY OF LABOR, :
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
o/b/o ROBERT BAUMANN :
v. : Docket No. CENT 2023-0251-DM
MOSENECAMANUFACTURER, LLC :
d/b/a AMERICAN TRIPOLI :

DIRECTION FOR REVIEW

Pursuant to Commission Procedural Rule 71, 29 C.F.R. § 2700.71, and section 113(d)(2)(B) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 823(d)(2)(B), the undersigned Commissioners vote to grant *sua sponte* review of the Administrative Law Judge’s May 23, 2024 decision issued in the above-named case.

Review is directed on the grounds that the decision may be contrary to law. Specifically, we order review of whether the Judge’s decision is contrary to law regarding the meanings and applications of the “discrimination” and “interference” provisions in complaints brought pursuant to §105(c) of the Mine Act, 30 U.S.C. § 815(c), and whether the provisions are ambiguous and deserving of deference to the Secretary’s interpretation.

The parties shall file briefs in accordance with 29 C.F.R. § 2700.75(a).



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Moshe Z. Marvit, Commissioner

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