

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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June 2, 2026

SECRETARY OF LABOR
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),

v.

RAMACO RESOURCES, LLC

Docket No. WEVA 2026-0038
A.C. No. 46-09541-627982

Docket No. WEVA 2026-0039
A.C. No. 46-09084-627972

Docket No. WEVA 2026-0040
A.C. No. 46-08663-627971

Docket No. WEVA 2026-0045
A.C. No. 46-09602-627985

Docket No. WEVA 2026-0046
A.C. No. 46-09533-627980

Docket No. WEVA 2026-0047
A.C. No. 46-09537-627981

BEFORE: Rajkovich, Chair; Jordan, and Baker, Commissioners

ORDER

BY: THE COMMISSION

These matters arise under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2024) (“Mine Act”). On December 11, 2025, the Commission received from Ramaco Resources, LLC (“Nally”) six motions seeking to reopen penalty assessments that had become final orders of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 815(a).¹

Under section 105(a) of the Mine Act, an operator who wishes to contest a proposed penalty must notify the Secretary of Labor no later than 30 days after receiving the proposed

¹ For the limited purpose of addressing these motions to reopen, we hereby consolidate Docket Nos. WEVA 2026-0038, WEVA 2026-0039, WEVA 2026-0040, WEVA 2026-0045, WEVA 2026-0046, and WEVA 2026-0047, involving similar procedural issues. 29 C.F.R. § 2700.12.

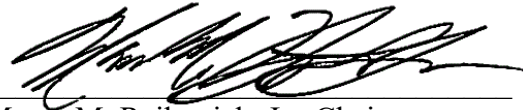
penalty assessment. If the operator fails to notify the Secretary, the proposed penalty assessment is deemed a final order of the Commission. 30 U.S.C. § 815(a).

We have held, however, that in appropriate circumstances, we possess jurisdiction to reopen uncontested assessments that have become final Commission orders under section 105(a). *Jim Walter Res., Inc.*, 15 FMSHRC 782, 786-89 (May 1993) (“*JWR*”). In evaluating requests to reopen final orders, the Commission has found guidance in Rule 60(b) of the Federal Rules of Civil Procedure under which the Commission may relieve a party from a final order of the Commission on the basis of mistake, inadvertence, excusable neglect, or other reason justifying relief. *See* 29 C.F.R. § 2700.1(b) (“the Commission and its Judges shall be guided so far as practicable by the Federal Rules of Civil Procedure”); *JWR*, 15 FMSHRC at 787. We have also observed that default is a harsh remedy and that, if the defaulting party can make a showing of good cause for a failure to timely respond, the case may be reopened and appropriate proceedings on the merits permitted. *See Coal Prep. Servs., Inc.*, 17 FMSHRC 1529, 1530 (Sept. 1995).

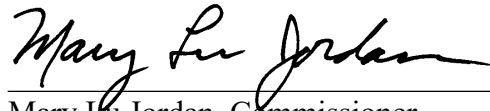
Records of the Department of Labor’s Mine Safety and Health Administration (“MSHA”) indicate that the proposed assessments were delivered on October 2, 2025, and became final orders of the Commission on November 3, 2025. Ramaco asserts that, while it received the proposed assessments on October 2, they were not scanned into their system and forwarded to the company’s Vice President of Law until October 7, 2025. The Vice President of Law mistakenly believed he had thirty days from October 7 to contest the penalties. Upon discovering his error, he immediately filed contests in each of the above-captioned cases, one day after the proposed penalties had become final orders of the Commission. The Secretary does not oppose the requests to reopen, but urges the operator to take steps to ensure that future penalty contests are timely filed.

Having reviewed Ramaco’s request and the Secretary’s response, we find that the brief delay in filing the notices of contest were the result of a genuine mistake on the part of the operator. *See Reading Anthracite Co.*, 35 FMSHRC 332 (Feb. 2013). We also note Ramaco’s assertion that it has taken steps to prevent the mistake from recurring, by placing the received date of the Proposed Assessments in the subject line of the forwarding email.

In the interest of justice, we hereby reopen these matters and remand them to the Chief Administrative Law Judge for further proceedings pursuant to the Mine Act and the Commission's Procedural Rules, 29 C.F.R. Part 2700. Accordingly, consistent with Rule 28, the Secretary shall file petition for assessments of penalty within 45 days of the date of this order. *See* 29 C.F.R. § 2700.28.



Marco M. Rajkovich, Jr., Chair



Mary Lu Jordan, Commissioner



Timothy J. Baker, Commissioner

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