



**FEDERAL MINE SAFETY
AND HEALTH
REVIEW COMMISSION**

**PERFORMANCE AND
ACCOUNTABILITY REPORT
FISCAL YEAR 2016**

NOVEMBER 15, 2016

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Message from the Chairman

November 15, 2016

As Chairman of the Federal Mine Safety and Health Review Commission (Commission), I am pleased to submit the Performance and Accountability Report for Fiscal Year 2016. This report provides performance information in keeping with the requirements of the Government Performance and Results Modernization Act of 2010 and includes audited financial statements and accompanying documentation as mandated by the Accountability of Tax Dollars Act of 2002.

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 carries out its responsibilities through trial-level adjudication by administrative law 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 the Department of Labor and address whether or not the alleged safety and health violations occurred and if so, the degree of gravity and negligence involved, so that appropriate sanctions may be imposed.

The Commission has set forth the following strategic goals:

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

Strategic Goal 2: Manage the Commission's human resources, operations, facilities, and information technology systems to ensure a continually improving, effective, and efficient organization

In Fiscal Year 2016, the Commission met or substantially met the performance targets for three of four trial level goals in the Office of the Administrative Law Judges. It is significant that the goal for pendency of penalty cases again was met. The number of cases on hand has been reduced significantly from the high point in FY 2010. In addition, this was the sixth year that the number of pending trial level cases was reduced from the previous year. At the appellate level, four out of five targets were met. The number of cases on hand at year end was reduced from a high in FY 2013 of 69 to 18 this year.

We are pleased to report the independent auditor's opinion that the financial statements present fairly, in all material aspects, the financial position of the Commission, and that no matters involving internal control were noted and that no material internal control weaknesses were identified. It is my assessment that the financial and performance data in this report is reliable and complete.

The Commission's mission is to provide the 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. We remain committed to that mission.

A handwritten signature in black ink, reading "Mary Lu Jordan". The signature is written in a cursive, flowing style.

Mary Lu Jordan
Chairman

Management Discussion and Analysis

OVERVIEW

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 Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 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 the Mine Safety and Health Administration (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 Mine Improvement and New Emergency Response Act of 2006, P.L. 109-236 (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 order of the Commission unless it is accepted for review by the five-member 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 Office of the Executive Director supports the above functions by providing budget and financial management, and administrative and technical services, including human resources and information technology, procurement and contracting, and facilities management.

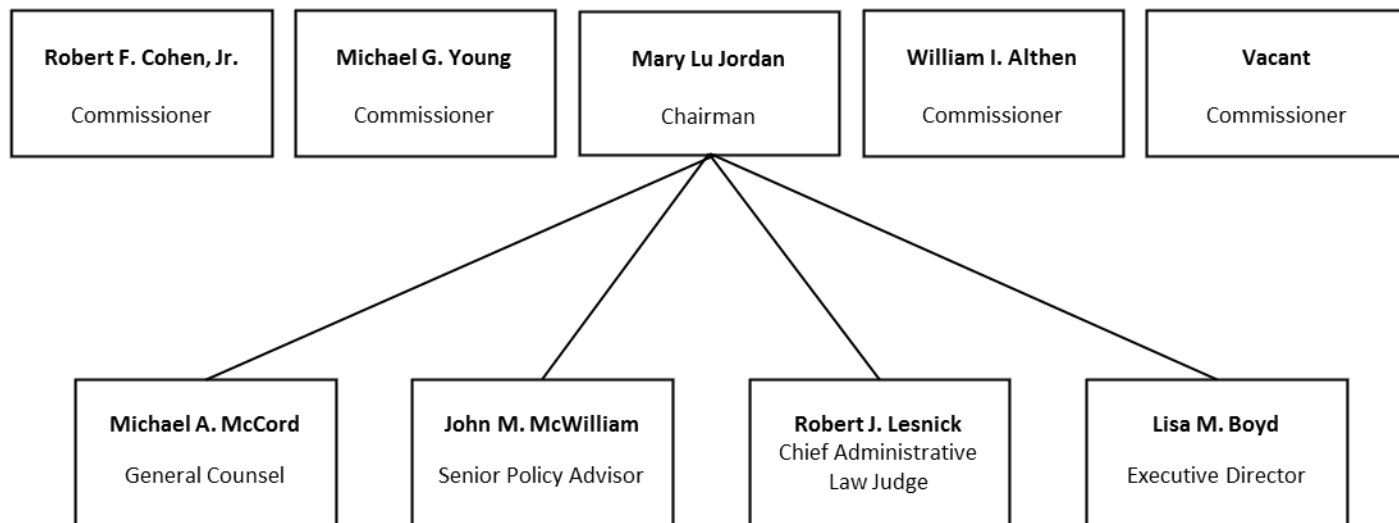
Strategic Goals

The Commission has two strategic goals:

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

Strategic Goal 2: Manage the Commission's human resources, operations, facilities, and information technology systems to ensure a continually improving, effective, and efficient organization

Organizational Chart



KEY CHALLENGES

The Commission faced significant challenges when the new cases received increased significantly in recent years: the trial level cases increased by 170% from FY 2007 to FY 2010. This backlog was the result of the increased contest rate since 2006. Then the appellate level cases increased by 380% from FY 2009 to FY 2011. This increase in new cases led to substantial backlogs in cases on hand.

Through a combination of reengineered business processes, increased staffing, and a reduction in new cases received, the Commission has been able to reduce the cases on hand to meet its performance goals.

The Commission has recently added focus on reducing the pendency of case dispositions. Pendency is defined as the time from receipt to disposition of cases. Aggressive goals for pendency were established for FY 2016, and the Commission met the goals for trial level penalty cases and for appellate substantive decisions.

The Commission will continue to focus on meeting the pendency and cases on hand goals, and emphasize reducing the age of appellate default cases on hand.

ANALYSIS OF FINANCIAL STATEMENTS

The Accountability of Tax Dollars Act of 2002 requires that the Commission's financial statements be audited annually. In accordance with the Accountability of Tax Dollars Act of 2002, the Commission began annual audits in FY 2003. The Commission has received an "unmodified" opinion for each annual review conducted by an independent auditor.

The Commission has contracted with the Department of the Treasury, Bureau of the Fiscal Service, Administrative Resource Center, for accounting services since 1998. The Administrative Resource Center prepared the Commission's FY 2016 financial statements, which include comparative data for FY 2015. The principal financial statements include the Balance Sheet, Statement of Net Cost, Statement of Changes in Net Position, and Statement of Budgetary Resources.

Analysis of the Balance Sheet

The Commission's assets in fiscal year 2016 were \$7,767,796 as of September 30, 2016. The Fund Balance with Treasury of \$7,194,686 represents the Commission's largest asset as of September 30, 2016. This is an increase of approximately 14 percent from fiscal year 2015 and represents approximately 93 percent of the agency's total assets. Property, Equipment, and Software accounts for approximately 6 percent of the

Commission's total assets as of September 30, 2016. The net fixed asset value of \$501,261 equals the cost less accumulated depreciation and represents the current book value of those assets.

The Commission's liabilities in fiscal year 2016 totaled \$2,211,186 as of September 30, 2016. This is a decrease of \$656,885 from the fiscal year 2015 balance of \$2,868,071. Accounts payable balance at September 30, 2016, was \$463,817, a decrease of \$612,466 from September 30, 2015. Accrued payroll liabilities, payroll taxes payable, and unemployment insurance increased \$79,596 in 2016. Unfunded annual leave increased \$10,553 in 2016 from 2015. Unfunded annual leave represents approximately 26 percent of total agency liabilities.

Net position is the difference between total assets and total liabilities. The total net position for fiscal year 2016 increased by \$1,397,411 from fiscal year 2015.

Analysis of Statement of Net Cost

The Statement of Net Cost shows the net cost of operations for the agency, and it is broken out between the Commission's two major functions, Administrative Law Judges and Review Commission. The total net cost of operations in 2016 was \$16,126,112 which is an increase of \$250,343 more than 2 percent, over the 2015 net cost of operations of \$15,875,769.

Analysis of the Statement of Changes in Net Position

The Statement of Changes in Net Position reports the change in the agency's net position during the reporting period. The net position consists of two components, the unexpended appropriations and the cumulative results of operations. The Net Position increased \$1,397,411 in 2016 from 2015, a change of approximately 34 percent.

Analysis of the Statement of Budgetary Resources

The Statement of Budgetary Resources presents how the budgetary resources were made available and the status of the budgetary resources at the end of the reporting period. The total budgetary resources must always equal the total status of budgetary resources. For fiscal year 2016, the Commission had total budgetary resources of \$21,608,054, which is \$1,236,053 more than in 2015.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION					
Table of Key Measures					
Dollars in Thousands			Increase / (Decrease)		
	FY 2016	FY 2015	\$	%	
COSTS¹					
Total Financing Sources	\$ 16,104	\$ 15,794	\$ 310	2%	
Less: Net Cost of Operations	\$ 16,126	\$ 15,876	\$ 250	2%	
Net Change	\$ (22)	\$ (82)	\$ 60	73%	
NET POSITION²					
Assets:					
Fund Balance With Treasury	\$ 7,195	\$ 6,302	\$ 893	14%	
Accounts Receivable	\$ 72	\$ 16	\$ 56	350%	
Property, Equipment, and Software	\$ 501	\$ 709	\$ (208)	-29%	
Total Assets	\$ 7,768	\$ 7,027	\$ 741	11%	
Liabilities					
Accounts Payable - Intergovernmental	\$ 54	\$ 569	\$ (515)	-91%	
Other	\$ 1,747	\$ 1,792	\$ (45)	-3%	
Accounts Payable	\$ 410	\$ 507	\$ (97)	-19%	
Total Liabilities	\$ 2,211	\$ 2,868	\$ (657)	-23%	
Net Position (Assets minus Liabilities)	\$ 5,557	\$ 4,159	\$ 1,398	34%	

¹ Source: Statement of Net Cost and Statement of Changes in Net Position

² Source: Balance Sheet

MANAGEMENT ASSURANCES

Systems, Controls, and Legal Compliance

The Commission is responsible for establishing and maintaining effective internal control over financial reporting, which includes safeguarding assets and complying with applicable laws and regulations. As a micro independent agency, the Commission must rely heavily on the systems and controls provided by servicing agencies to meet the OMB's guidelines and the requirements of law with respect to financial management, accounting systems, and financial reporting. These services are supplemented by internal control procedures within the Commission sufficient to assure that the performance and financial data included in this audit report are complete and reliable.

All financial data reported were obtained from the FY 2016 accounting reports prepared by the Bureau of Fiscal Service, the Commission's accounting servicing provider, and the performance data on case intake and dispositions has been verified by Commission managers. There are no material inadequacies or non-conformance in either the completeness or reliability of the data reported.

Limitations of the Financial Statements

The principal financial statements have been prepared to report the financial position and results of operations of the Federal Mine Safety and Health Review Commission, pursuant to the requirements of 31 U.S.C. § 3515(b).

The statements have been prepared from the books and records of the Commission in accordance with Generally Accepted Accounting Principles (GAAP) for Federal entities and the formats prescribed by OMB. The statements are in addition to the financial reports used to monitor and control budgetary resources, which are prepared from the same books and records.

The statements should be read with the realization that they are for a component of the U.S. Government, a sovereign entity.

Performance Section

PERFORMANCE GOALS AND RESULTS

The Commission has set forth the following strategic goals:

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

Strategic Goal 2: Manage the Commission's human resources, operations, facilities, and information technology systems to ensure a continually improving, effective, and efficient organization

The first strategic goal is accomplished through the Administrative Law Judges function at the trial level, and the Commission Review function at the appellate level. The second strategic goal is accomplished through the Office of the Executive Director function.

ADMINISTRATIVE LAW JUDGES FUNCTION

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.

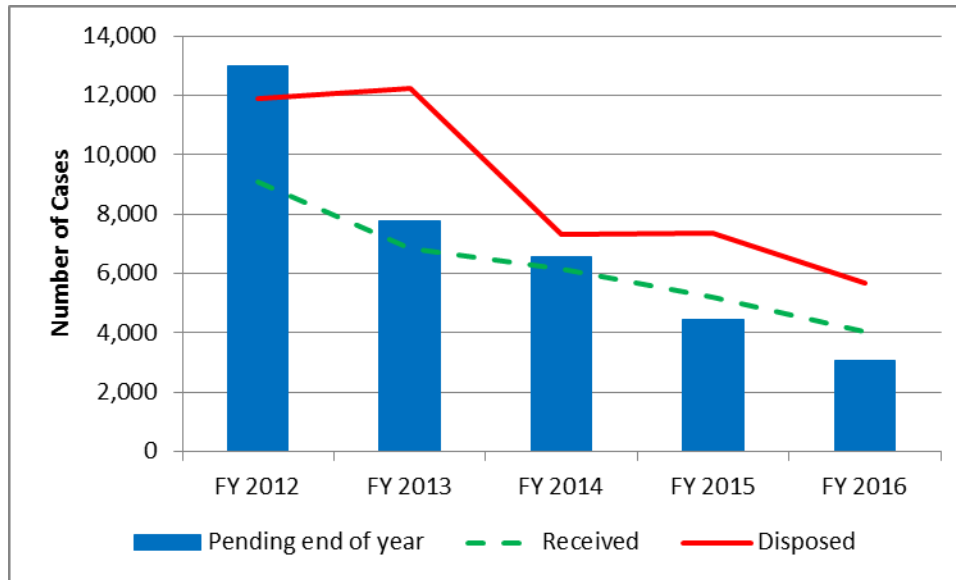
The Commission received 4,051 new case filings in FY 2016. The number of new cases was a 22 percent decrease from FY 2015.

There were 4,682 cases pending at the start of FY 2016. In FY 2016 there were 5,675 dispositions.

The FY 2016 end-of-year inventory was 3,058 undecided cases. This was the sixth consecutive year that the number of pending cases was reduced by the end of the year.

The Commission met or substantially met three of the four performance targets for the Administrative Law Judges function, as shown in the Performance Measurement Matrix. Although the target for average time from receipt to disposition of all cases was not met, it is significant that the average age of cases on hand at year end was 237 days, a decrease from the 278 days at FY 2015 year end.

ADMINISTRATIVE LAW JUDGES FUNCTION CASE WORKLOAD



ADMINISTRATIVE LAW JUDGES FUNCTION PERFORMANCE MEASUREMENT MATRIX

Performance Metrics - Office of the Administrative Law Judges Function							
Performance Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		Status
					Target	Actual	
Average time from receipt to disposition of all cases	541 days	463 days	459 days	425 days	300 days	348 days	Not met
Average time from receipt to disposition of penalty cases	525 days	433 days	429 days	387 days	330 days	309 days	Met
Percent of all cases on hand over 365 days in age	38%	43%	28%	25%	20%	21%	Substantially met*
Number of cases pending at year end	12,982	7,612	6,278	4,452	4,200	3,058	Met

Substantially met: Within 10% of target

COMMISSION REVIEW FUNCTION

The Commission decides two principal types of cases: (1) substantive cases, which are cases in which a judge has issued a final or interlocutory decision on the merits and the Commission has granted a petition for review filed by either party, or at least two Commissioners have decided to grant review on their own initiative; and (2) default cases, which are cases where an operator has failed to timely contest a proposed penalty or to timely respond to a judge's order and the operator has filed a motion to reopen the final order.

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 this higher number of petitions being filed for substantive review is likely to continue for the foreseeable future. In FY 2008, 8 petitions for review of judges' decisions were filed, and 4 petitions were granted. In FY 2016, 33 petitions were filed, and 22 were granted.

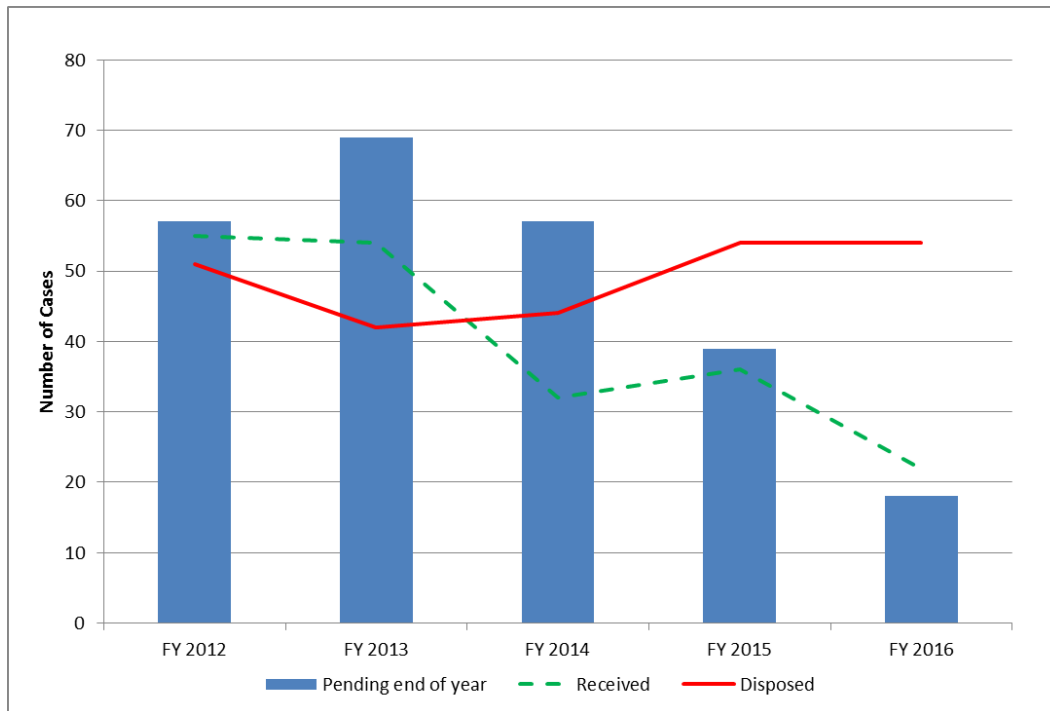
The increase in petitions filed by parties and granted by the Commission has had a significant impact on the Office of General Counsel, which is responsible for conducting the initial research in substantive cases and preparing draft opinions for the Commissioners.

The targets for substantive cases were met with regard to four of the five goals, as shown on the following performance measurement matrix. Not met was the percentage of default cases on hand over six months in age. Because one Commissioner's appointment expired in August 2016, disposition of substantive cases was given priority. This resulted in resources being diverted from default cases to substantive case decisions in FY 2016, resulting in an increased number of default cases over six months in age in FY 2016.

The percent of appellate cases on hand over 18 months in age at year end decreased from 49% in FY 2015 to 11% in FY 2016. The increase in appellate case backlog starting in FY 2009 resulted in the accumulation of significantly older cases on hand. As that backlog was reduced by the end of FY 2016, the cases on hand became more current, and therefore the average case age was reduced.

The Commission disposed of 54 substantive cases in FY 2016, ending the year with 18 cases on hand.

**COMMISSION REVIEW FUNCTION
CASE WORKLOAD - SUBSTANTIVE CASES**



**COMMISSION REVIEW FUNCTION
PERFORMANCE MEASUREMENT MATRIX**

Performance Metrics - Commission Review Function							
Performance Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		Status
					Target	Actual	
Average time from date granted to issuance of decision for appellate cases	19 months	24 months	27 months	26 months	31 months	22 months	Met
Average time from briefing completion to issuance of decision for appellate cases	15 months	21 months	24 months	24 months	27 months	19 months	Met
Percent of appellate cases on hand over 18 months in age	26%	43%	49%	49%	40%	11%	Met
Number of appellate cases pending at year end	57	69	57	39	19	18	Met
Percent of default cases on hand over 6 months in age	40%	13%	54%	59%	12%	57%	Not met

OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

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 services cover the areas of recruitment and placement, classification and pay administration, performance management and incentive awards, employee benefits and retirement, personnel security, coordination of employee training programs, and wellness and employee assistance programs.

Procurement and contracting services cover 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 services cover 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.

FINANCIAL SECTION

LETTER FROM THE EXECUTIVE DIRECTOR

I am pleased to join the Chairman in presenting the Performance Accountability Report (PAR) for Fiscal Year 2016.

The PAR is the primary mechanism for the Commission to report on our financial operations and provide transparency and accountability to the American people. The financial statements included in the PAR demonstrate the Commission's sound stewardship for the taxpayers' dollars entrusted to us.

As the Executive Director of the Federal Mine Safety and Health Review Commission, I am responsible for the overall financial management of the Agency. I am pleased to report that we received an unmodified opinion on our fiscal year 2016 financial statements for the 14th consecutive year. Such an opinion is the highest level of assurance that can be expressed by independent auditors.

The Commission remains committed to continuous vigilance and improvement in financial management and internal controls, even with the receipt of an unmodified audit opinion. During FY 2016, we continued to monitor and evaluate the implementation and effectiveness of the financial management practices developed in the past years. All transactions have been recorded in the accounting records and reflect in the financial statements accordingly.

We have acknowledged and fulfilled our responsibility for maintaining effective internal control over financial reporting. We have worked closely with our servicing agency, the Bureau of Fiscal Services, to ensure that we remain compliant with all applicable laws and regulations regarding the Commission's financial reporting.

We also remain committed to improving and strengthening the Office of the Executive Director to continue to support the mission and various functions of the Commission.



Lisa M. Boyd
Executive Director
November 10, 2016

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
INDEPENDENT AUDITOR'S REPORT
AND
FINANCIAL STATEMENTS
FOR THE YEARS ENDED
SEPTEMBER 30, 2016 AND 2015



Prepared By
Brown & Company CPAs and Management Consultants, PLLC
November 10, 2016





FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
INDEPENDENT AUDITOR'S REPORT
AND
FINANCIAL STATEMENTS
FOR THE YEARS ENDED
SEPTEMBER 30, 2016 AND 2015

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**BROWN & COMPANY**

CERTIFIED PUBLIC ACCOUNTANTS AND MANAGEMENT CONSULTANTS, PLLC

INDEPENDENT AUDITOR'S REPORT

Federal Mine Safety and Health Review Commission
Washington, D.C.

Report on the Financial Statements

We have audited the accompanying balance sheets of the Federal Mine Safety and Health Review Commission ("the Commission") as of September 30, 2016 and 2015, and the related statements of net cost, changes in net position, and budgetary resources, for the years then ended (collectively referred to as the financial statements), and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with U.S. generally accepted accounting principles; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with U.S. generally accepted government auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the Office of Management and Budget (OMB) Bulletin No. 15-02, *Audit Requirements for Federal Financial Statements*. Those standards and OMB Bulletin No. 15-02, require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit includes test of compliance with provisions of applicable laws, regulations, contracts, and grant agreements that have a direct effect on the determination of material amounts and disclosure in the financial statements. The purpose was not to provide an opinion on compliance with provisions of applicable laws, regulations, contracts and grant agreements and, therefore, we do not express such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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Opinion on the Financial Statements

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Commission as of September 30, 2016 and 2015, and its net costs, changes in net position, and budgetary resources for the years then ended, in accordance with U.S. generally accepted accounting principles.

*Other Matters**Required Supplementary Information*

U.S. generally accepted accounting principles require that the information in the *Management's Discussion and Analysis* (MD&A) and *Required Supplementary Information* (RSI) sections be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Federal Accounting Standards Advisory Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with U.S. generally accepted government auditing standards, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. *The Message From The Chairman, Message From The Executive Director* and the Other Information sections are presented for purposes of additional analysis and are not a required part of the financial statements. Such information has not been subjected to the auditing procedures applied in the audits of the financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) to design audit procedures that are appropriate in the circumstances for the purpose of expressing an opinion on the financial statements, but not for the purpose of providing an opinion on internal control. Accordingly, we do not express such an opinion.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. During the audit of the financial statements no deficiencies in internal control were identified that were considered to be a material weakness. However, material weaknesses may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. We limited our tests of compliance to the provisions described in the preceding sentence, and we did not test compliance with all laws, regulations and contracts applicable to the Commission. The objective was not to provide an opinion on compliance with those provisions of laws, regulations, contracts and grant agreements, and accordingly, we do not express such an opinion.

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* or OMB Bulletin No. 15-02.

Management's Responsibility for Internal Control and Compliance

The Commission's management is responsible for (1) evaluating effectiveness of internal control over financial reporting based on criteria established under the Federal Managers Financial Integrity Act (FMFIA), (2) providing a statement of assurance on the overall effectiveness of internal control over financial reporting, and (3) ensuring compliance with other applicable laws and regulations.

Auditor's Responsibilities

We are responsible for (1) obtaining a sufficient understanding of internal control over financial reporting to plan the audit, (2) testing compliance with certain provisions of laws and regulations that have a direct and material effect on the financial statements and applicable laws for which OMB Bulletin No. 15-02 requires testing, and (3) applying certain limited procedures with respect to the MD&A and other RSI.

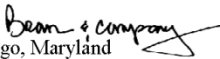
We did not evaluate all internal controls relevant to operating objectives as broadly established by the FMFIA, such as those controls relevant to preparing statistical reports and ensuring efficient operations. We limited our internal control testing to testing internal control over financial reporting. Because of inherent limitations in internal control, misstatements due to error or fraud, losses, or noncompliance may nevertheless occur and not be detected. We also caution that projecting our audit results to future periods is subject to risk that controls may become inadequate because of changes in conditions or that the degree of compliance with controls may deteriorate. In addition, we caution that our internal control testing may not be sufficient for other purposes.

We did not test compliance with all laws and regulations applicable to the Commission. We limited our tests of compliance to certain provisions of laws and regulations that have a direct and material effect on the financial statements and those required by OMB Bulletin No. 15-02 that we deemed applicable to the Commission's financial statements for the fiscal year ended September 30, 2016. We caution that noncompliance with laws and regulations may occur and not be detected by these tests and that such testing may not be sufficient for other purposes.

Purpose of the Report on Internal Control over Financial Reporting and the Report on Compliance and Other Matters

The purpose of the Report on Internal Control over Financial Reporting and the Report on Compliance and Other Matters sections of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Commission's internal control or on compliance. These reports are an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control and compliance. Accordingly, these reports are not suitable for any other purpose.

This report is intended solely for the information and use of the management of the Commission, OMB, and U.S. Congress, and is not intended to be, and should not be, used by anyone other than these specified parties.


Largo, Maryland
November 10, 2016

FINANCIAL STATEMENTS AND NOTES



**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
BALANCE SHEET
AS OF SEPTEMBER 30, 2016 AND 2015
(In Dollars)**

	2016	2015
Assets:		
Intragovernmental		
Fund Balance With Treasury (Note 2)	\$ 7,194,686	\$ 6,302,016
Total Intragovernmental	7,194,686	6,302,016
Accounts Receivable, Net (Note 3)	71,549	16,362
Property, Equipment, and Software, Net (Note 4)	501,261	708,592
Total Assets	\$ 7,767,496	\$ 7,026,970
Liabilities:		
Intragovernmental		
Accounts Payable	\$ 53,897	\$ 569,215
Other (Note 6)	867,305	993,957
Total Intragovernmental	921,202	1,563,172
Accounts Payable	409,920	507,068
Other (Note 6)	880,064	797,831
Total Liabilities (Note 5)	\$ 2,211,186	\$ 2,868,071
Net Position:		
Unexpended Appropriations - Other Funds	\$ 6,348,179	\$ 4,928,320
Cumulative Results of Operations - Other Funds	(791,869)	(769,421)
Total Net Position	\$ 5,556,310	\$ 4,158,899
Total Liabilities and Net Position	\$ 7,767,496	\$ 7,026,970

The accompanying notes are an integral part of these financial statements.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
STATEMENT OF NET COST
FOR THE YEARS ENDED SEPTEMBER 30, 2016 AND 2015
(In Dollars)

	2016	2015
Program Costs: (Note 8)		
Commission Review:		
Gross Costs	\$ 6,597,556	\$ 5,856,538
Net Program Costs	\$ 6,597,556	\$ 5,856,538
Administrative Law Judge Review:		
Gross Costs	\$ 9,528,556	\$ 10,019,231
Net Program Costs	\$ 9,528,556	\$ 10,019,231
Net Cost of Operations (Note 8)	\$ 16,126,112	\$ 15,875,769

The accompanying notes are an integral part of these financial statements.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
STATEMENT OF CHANGES IN NET POSITION
FOR THE YEARS ENDED SEPTEMBER 30, 2016 AND 2015
(In Dollars)

	2016	2015
Cumulative Results of Operations:		
Beginning Balances	\$ (769,421)	\$ (687,558)
Budgetary Financing Sources:		
Appropriations Used	15,335,632	15,119,302
Imputed Financing Sources (Note 9)	768,032	674,604
Total Financing Sources	16,103,664	15,793,906
Net Cost of Operations (Note 14)	(16,126,112)	(15,875,769)
Net Change	(22,448)	(81,863)
Cumulative Results of Operations	\$ (791,869)	\$ (769,421)
Unexpended Appropriations:		
Beginning Balances	\$ 4,928,320	\$ 3,675,923
Budgetary Financing Sources:		
Appropriations Received	17,085,000	16,751,000
Other Adjustments	(329,509)	(379,301)
Appropriations Used	(15,335,632)	(15,119,302)
Total Budgetary Financing Sources	1,419,859	1,252,397
Total Unexpended Appropriations	\$ 6,348,179	\$ 4,928,320
Net Position	\$ 5,556,310	\$ 4,158,899

The accompanying notes are an integral part of these financial statements.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
STATEMENT OF BUDGETARY RESOURCES
FOR THE YEARS ENDED SEPTEMBER 30, 2016 AND 2015
(In Dollars)

	2016	2015
Budgetary Resources:		
Unobligated Balance Brought Forward, October 1	\$ 3,567,784	\$ 2,983,551
Recoveries of Prior Year Unpaid Obligations	1,253,389	1,014,677
Other changes in unobligated balance	(298,119)	(377,227)
Unobligated balance from prior year budget authority, net	4,523,054	3,621,001
Appropriations	17,085,000	16,751,000
Total Budgetary Resources	\$ 21,608,054	\$ 20,372,001
Status of Budgetary Resources:		
New obligations and upward adjustments (total) (Note 11)	\$ 15,682,262	\$ 16,804,217
Unobligated balance, end of year:		
Apportioned, unexpired account (Note 2)	1,550,203	157,012
Expired unobligated balance, end of year (Note 2)	4,375,589	3,410,772
Unobligated balance, end of year (total)	5,925,792	3,567,784
Total Budgetary Resources	\$ 21,608,054	\$ 20,372,001
Change in Obligated Balance		
Unpaid Obligations:		
Unpaid Obligations, Brought Forward, October 1	\$ 2,734,232	\$ 2,928,914
New obligations and upward adjustments (Note 11)	15,682,262	16,804,217
Outlays (gross)	(15,894,211)	(15,984,222)
Recoveries of Prior Year Unpaid Obligations	(1,253,389)	(1,014,677)
Unpaid Obligations, End of Year (Gross) (Note 2)	1,268,894	2,734,232
Memorandum entries:		
Obligated Balance, Start of Year	\$ 2,734,232	\$ 2,928,914
Obligated Balance, End of Year	\$ 1,268,894	\$ 2,734,232
Budget Authority and Outlays, Net:		
Budget authority, gross	\$ 17,085,000	\$ 16,751,000
Actual offsetting collections	(31,390)	(2,074)
Recoveries of prior year paid obligations	31,390	2,074
Budget Authority, net, (total)	\$ 17,085,000	\$ 16,751,000
Outlays, gross	\$ 15,894,211	\$ 15,984,222
Actual offsetting collections	(31,390)	(2,074)
Outlays, net, (total)	15,862,821	15,982,148
Distributed Offsetting Receipts	(805)	(2,992)
Agency outlays, net	\$ 15,862,016	\$ 15,979,156

The accompanying notes are an integral part of these financial statements.



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION NOTES TO THE FINANCIAL STATEMENTS

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The Federal Mine Safety and Health Review Commission (“the Commission”) is an independent Federal agency with the mission of providing administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Amendments Act of 1977, Public Law 91-173, amended by Public Law 95-164. The Commission reporting entity is comprised of General Funds, and General Miscellaneous Receipts.

General Funds are accounts used to record financial transactions arising under congressional appropriations or other authorizations to spend general revenues.

General Fund Miscellaneous Receipts are accounts established for receipts of non-recurring activity, such as fines, penalties, fees and other miscellaneous receipts for services and benefits.

The Commission has rights and ownership of all assets reported in these financial statements. The Commission does not possess any non-entity assets.

B. Basis of Presentation

The financial statements have been prepared to report the financial position and results of operations of the Commission. The Balance Sheet presents the financial position of the Commission. The Statement of Net Cost presents the agency’s operating results; the Statement of Changes in Net Position displays the changes in the Commission’s equity

accounts. The Statement of Budgetary Resources presents the sources, status, and uses of the Commission’s resources and follows the rules for the Budget of the United States Government.

The statements are a requirement of the Chief Financial Officers Act of 1990 and the Government Management Reform Act of 1994. They have been prepared from, and are fully supported by, the books and records of the Commission in accordance with the hierarchy of accounting principles generally accepted in the United States of America, standards issued by the Federal Accounting Standards Advisory Board (FASAB), Office of Management and Budget (OMB) Circular A-136, *Financial Reporting Requirements*, as amended, and the Commission accounting policies which are summarized in this note. These statements, with the exception of the Statement of Budgetary Resources, are different from financial management reports, which are also prepared pursuant to OMB directives that are used to monitor and control the Commission’s use of budgetary resources. The financial statements and associated notes are presented on a comparative basis. Unless specified otherwise, all amounts are presented in dollars.

C. Basis of Accounting

Transactions are recorded on both an accrual accounting basis and a budgetary basis. Under the accrual method, revenues are recognized when earned, and expenses are recognized when a liability is incurred, without regard to receipt or payment of cash. Budgetary accounting facilitates compliance with legal requirements on the use of federal funds.

D. Fund Balance with Treasury

Fund Balance with Treasury is the aggregate amount of the Commission’s funds with Treasury in expenditure and receipt fund accounts. Appropriated funds recorded in expenditure accounts are available to pay current liabilities and finance authorized purchases.

The Commission does not maintain bank accounts of its own, has no disbursing authority, and does not maintain cash held outside of Treasury. Treasury disburses funds for the agency on demand.

E. Accounts Receivable

Accounts receivable consists of amounts owed to the Commission by other Federal agencies and the general public. Amounts due from Federal agencies are considered fully collectible. Accounts receivable from the public include reimbursements from employees. An allowance for uncollectible accounts receivable from the public is established when, based upon a review of outstanding accounts and the failure of all collection efforts, management determines that collection is unlikely to occur considering the debtor’s ability to pay.

F. Property, Equipment, and Software

Property, equipment and software represent furniture, fixtures, equipment, and information technology hardware and software which are recorded at original acquisition cost and are depreciated or amortized using the straight-line method over their estimated useful lives. Major alterations and renovations are capitalized, while maintenance and repair costs are expensed as incurred. The Commission's capitalization threshold is \$50,000 for individual purchases and \$500,000 for bulk purchases. Property, equipment, and software acquisitions that do not meet the capitalization criteria are expensed upon receipt. Applicable standard governmental guidelines regulate the disposal and convertibility of agency property, equipment, and software. The useful life

classifications for capitalized assets are as follows:

<u>Description</u>	<u>Useful Life (years)</u>
Leasehold Improvements	Period of Lease
Office Equipment	5

G. Advances and Prepaid Charges

Advance payments are generally prohibited by law. There are some exceptions, such as reimbursable agreements, subscriptions and payments to contractors and employees. Payments made in advance of the receipt of goods and services are recorded as advances or prepaid charges at the time of prepayment and recognized as expenses when the related goods and services are received.

H. Liabilities

Liabilities represent the amount of funds likely to be paid by the Commission as a result of transactions or events that have already occurred.

The Commission reports its liabilities under two categories, Intragovernmental and With the Public. Intragovernmental liabilities represent funds owed to another government agency. Liabilities With the Public represents funds owed to any entity or person that is not a federal agency, including private sector firms and federal employees. Each of these categories may include liabilities that are covered by budgetary resources and liabilities not covered by budgetary resources.

Liabilities covered by budgetary resources are liabilities funded by a current appropriation or other funding source. These consist of accounts payable and accrued payroll and benefits. Accounts payable represent amounts owed to another entity for goods ordered and received and for services rendered except for employees. Accrued payroll and benefits represent payroll costs earned by employees during the fiscal year which are not paid until the next fiscal year.

Liabilities not covered by budgetary resources are liabilities that are not funded by any current appropriation or other funding source. These liabilities consist of accrued annual leave, deferred rent, Federal Employees' Compensation Act (FECA), and unemployment insurance. Deferred rent is the difference at year-end between the sum of monthly cash disbursements paid to date for rent and the sum of the average monthly rent calculated based on the term of the lease.

I. Annual, Sick, and Other Leave

Annual leave is accrued as it is earned, and the accrual is reduced as leave is taken. The balance in the accrued leave account is adjusted to reflect current pay rates. Liabilities associated with other types of vested leave, including compensatory, restored leave, and sick leave in certain circumstances, are accrued at year-end, based on latest pay rates and unused hours of leave. Funding will be obtained from future financing sources to the extent that current or prior year appropriations are not available to fund annual and other types of vested leave earned but not taken. Nonvested leave is expensed when used. Any liability for sick leave that is accrued but not taken by a Civil Service Retirement System (CSRS)-covered employee is transferred to the Office of Personnel Management (OPM) upon the retirement of that individual. Credit is given for sick leave balances in the computation of annuities upon the retirement of Federal Employees Retirement System (FERS)-covered employees effective at 100%.

J. Accrued and Actuarial Workers' Compensation

The Federal Employees' Compensation Act (FECA) administered by the U.S. Department of Labor (DOL) addresses all claims brought by the Commission employees for on-the-job injuries. The DOL bills each agency annually as its claims are paid, but payment of these bills is deferred for two years to allow for funding through the budget process. Similarly, employees that the Commission terminates without cause may receive unemployment

compensation benefits under the unemployment insurance program also administered by the DOL, which bills each agency quarterly for paid claims. Future appropriations will be used for the reimbursement to DOL. The liability consists of (1) the net present value of estimated future payments calculated by the DOL, and (2) the unreimbursed cost paid by DOL for compensation to recipients under the FECA.

K. Retirement Plans

The Commission employees participate in either the CSRS or the FERS. The employees who participate in CSRS are beneficiaries of the Commission matching contribution, equal to seven percent of pay, distributed to their annuity account in the Civil Service Retirement and Disability Fund.

Prior to December 31, 1983, all employees were covered under the CSRS program. From January 1, 1984 through December 31, 1986, employees had the option of remaining under CSRS or joining FERS and Social Security. Employees hired as of January 1, 1987 are automatically covered by the FERS program. Both CSRS and FERS employees may participate in the federal Thrift Savings Plan (TSP). FERS employees receive an automatic agency contribution equal to one percent of pay and the Commission matches any employee contribution up to an additional four percent of pay. For FERS participants, the Commission also contributes the employer's matching share of Social Security.

FERS employees and certain CSRS reinstatement employees are eligible to participate in the Social Security program after retirement. In these instances, the Commission remits the employer's share of the required contribution.

The Commission recognizes the imputed cost of pension and other retirement benefits during the employees' active years of service. OPM actuaries determine pension cost factors by calculating the value of pension benefits expected to be paid in the future and communicate these factors to the Commission

for current period expense reporting. OPM also provides information regarding the full cost of health and life insurance benefits. The Commission recognized the offsetting revenue as imputed financing sources to the extent these expenses will be paid by OPM.

The Commission does not report on its financial statements information pertaining to the retirement plans covering its employees. Reporting amounts such as plan assets, accumulated plan benefits, and related unfunded liabilities, if any, is the responsibility of the OPM, as the administrator.

L. Other Post-Employment Benefits

The Commission employees eligible to participate in the Federal Employees' Health Benefits Plan (FEHBP) and the Federal Employees' Group Life Insurance Program (FEGSIP) may continue to participate in these programs after their retirement. OPM has provided the Commission with certain cost factors that estimate the true cost of providing the post-retirement benefit to current employees. The Commission recognizes a current cost for these and Other Retirement Benefits (ORB) at the time the employee's services are rendered. The ORB expense is financed by OPM, and offset by the Commission through the recognition of an imputed financing source.

M. Use of Estimates

The preparation of the accompanying financial statements in accordance with generally accepted accounting principles requires management to make certain estimates and assumptions that affect the reported amounts of assets, liabilities, revenues, and expenses. Actual results could differ from those estimates.

N. Imputed Costs/Financing Sources

Federal Government entities often receive goods and services from other Federal Government entities without reimbursing the providing entity for all the related costs. In addition, Federal Government entities also incur costs that are paid in total or in part by other entities. An imputed financing source is recognized by the receiving entity for costs that are paid by other entities. The Commission recognized imputed costs and financing sources in fiscal years 2016 and 2015 to the extent directed by OMB.

O. Reclassification

Certain fiscal year 2015 balances have been reclassified, retitled, or combined with other financial statement line items for consistency with the current year presentation.

NOTE 2. FUND BALANCE WITH TREASURY

Fund balance with Treasury account balances as of September 30, 2016 and 2015 were as follows:

	2016	2015
Fund Balances:		
Appropriated Funds	\$ 7,194,686	\$ 6,302,016
Total	\$ 7,194,686	\$ 6,302,016

Status of Fund Balance with Treasury:

Unobligated Balance		
Available	\$ 1,550,203	\$ 157,012
Unavailable	4,375,589	3,410,772
Obligated Balance Not Yet Disbursed	1,268,894	2,734,232
Total	\$ 7,194,686	\$ 6,302,016

No discrepancies exist between the Fund Balance reflected on the Balance Sheet and the balances in the Treasury accounts.

The available unobligated fund balances represent the current-period amount available for obligation or commitment. At the start of the next fiscal year, this amount will become part of the unavailable balance as described in the following paragraph.

The unavailable unobligated fund balances represent the amount of appropriations for which the period of availability for obligation has expired. These balances are available for upward adjustments of obligations incurred only during the period for which the appropriation was available for obligation or for paying claims attributable to the appropriations.

The obligated balance not yet disbursed includes accounts payable, accrued expenses, and undelivered orders that have reduced unexpended appropriations but have not yet decreased the cash balance on hand (see also Note 12).

NOTE 3. ACCOUNTS RECEIVABLE

Accounts receivable balances as of September 30, 2016 and 2015, were as follows:

	2016	2015
With the Public		
Accounts Receivable	\$ 71,549	\$ 16,362
Total Accounts Receivable	\$ 71,549	\$ 16,362

Historical experience has indicated that the majority of the receivables are collectible. There are no material uncollectible accounts as of September 30, 2016 and 2015.

NOTE 4. PROPERTY, EQUIPMENT, AND SOFTWARE

Schedule of Property, Equipment, and Software as of September 30, 2016

Major Class	Acquisition Cost	Accumulated Amortization/Depreciation	Net Book Value
Leasehold Improvements	\$ 377,363	\$ 222,842	\$ 154,521
Furniture & Equipment	1,424,326	1,077,586	346,740
Total	\$ 1,801,689	\$ 1,300,428	\$ 501,261

Schedule of Property, Equipment, and Software as of September 30, 2015

Major Class	Acquisition Cost	Accumulated Amortization/Depreciation	Net Book Value
Leasehold Improvements	\$ 377,363	\$ 197,118	\$ 180,245
Furniture & Equipment	1,349,694	821,347	528,347
Total	\$ 1,727,057	\$ 1,018,465	\$ 708,592

NOTE 5. LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

The liabilities for the Commission as of September 30, 2016 and 2015, include liabilities not covered by budgetary resources. Congressional action is needed before budgetary resources can be provided. Although future appropriations to fund these liabilities are likely and anticipated, it is not certain that appropriations will be enacted to fund these liabilities.

	2016	2015
Intragovernmental – FECA	\$ 950	\$ 950
Intragovernmental – Unemployment Insurance	-	9,390
Unfunded Leave	566,278	555,724
Deferred Lease Liabilities	796,957	931,654
Total Liabilities Not Covered by Budgetary Resources	\$ 1,364,185	\$ 1,497,718
Total Liabilities Covered by Budgetary Resources	847,001	1,370,353
Total Liabilities	\$ 2,211,186	\$ 2,868,071

FECA and the Unemployment Insurance liabilities represent the unfunded liability for actual workers compensation claims and unemployment benefits paid on the Commission's behalf and payable to the DOL.

Unfunded leave represents a liability for earned leave and is reduced when leave is taken. The balance in the accrued annual leave account is reviewed quarterly and adjusted as needed to accurately reflect the liability at current pay rates and leave balances. Accrued annual leave is paid from future funding sources and, accordingly, is reflected as a liability not covered by budgetary resources. Sick and other leave is expensed as taken.

The deferred lease liability amount represents the difference at year end between the sum of monthly cash disbursements paid to date for base rent and the sum of the average monthly rent calculated based on the term of the lease. This was due to a new lease agreement entered into at 1331 Penn Ave that had rent abatement provisions.

NOTE 6. OTHER LIABILITIES

Other liabilities account balances as of September 30, 2016 were as follows:

	Current	Non Current	Total
Intragovernmental			
FECA Liability	\$ 950	\$ -	\$ 950
Payroll Taxes Payable	68,903	-	68,903
Custodial Liability	495	-	495
Deferred Lease Liability	134,697	662,260	796,957
Total Intragovernmental Other Liabilities	\$ 205,045	\$ 662,260	\$ 867,305
With the Public			
Payroll Taxes Payable	\$ 17,975	\$ -	\$ 17,975
Accrued Funded Payroll and Leave	295,812	-	295,812
Unfunded Leave	566,277	-	566,277
Total Public Other Liabilities	\$ 880,064	\$ -	\$ 880,064

Other liabilities account balances as of September 30, 2015 were as follows:

	Current	Non Current	Total
Intragovernmental			
FECA Liability	\$ 950	\$ -	\$ 950
Unemployment Insurance Liability	9,390	-	9,390
Payroll Taxes Payable	51,597	-	51,597
Custodial Liability	366	-	366
Deferred Lease Liability	134,697	796,957	931,654
Total Intragovernmental Other Liabilities	\$ 197,000	\$ 796,957	\$ 993,957
With the Public			
Payroll Taxes Payable	\$ 8,002	\$ -	\$ 8,002
Accrued Funded Payroll and Leave	234,105	-	234,105
Unfunded Leave	555,724	-	555,724
Total Public Other Liabilities	\$ 797,831	\$ -	\$ 797,831

NOTE 7. LEASES

Operating Leases

The Commission occupies office space at 721 19th St, Denver, CO under a lease agreement that is accounted for as an operating lease. The lease term began on June 1, 2009 and expires on May 31, 2019. Below is an estimated schedule of future payments, including estimated real estate taxes and operating expenses which are subject to annual adjustments.

Fiscal Year	Building	Equipment	ADP		Totals
			Equipment		
2017	\$ 91,281	\$ -	\$ -	-	\$ 91,281
2018	92,064	-	-	-	92,064
2019	61,761	-	-	-	61,761
Total Future Payments	\$ 245,106	\$ -	\$ -	-	\$ 245,106

The Commission occupies office space at 875 Greentree Rd, Pittsburgh, PA under a lease agreement that is accounted for as an operating lease. The lease term began September 13, 2010 and expires on September 30, 2018. Below is a schedule of future payments for the term of the lease, including estimated real estate taxes and operating expenses which are subject to annual adjustments.

Fiscal Year	Building	Equipment	ADP		Totals
			Equipment		
2017	\$ 104,619	\$ -	\$ -	-	\$ 104,619
2018	105,607	-	-	-	105,607
Total Future Payments	\$ 210,226	\$ -	\$ -	-	\$ 210,226

The Commission occupies office space at 1331 Penn Avenue, Washington, DC under a lease agreement that is accounted for as an operating lease. The lease term began on August 23, 2012 and expires on August 22, 2022. This lease has deferred rent in the amount of \$57,655 per month. Below is a schedule of future payments for the term of the lease, including estimated real estate taxes and operating expenses which are subject to annual adjustments.

	Building	Equipment	ADP		Totals
			Equipment		
2017	\$ 1,707,108	\$ -	\$ -	-	\$ 1,707,108
2018	1,727,429	-	-	-	1,727,429
2019	1,748,360	-	-	-	1,748,360
2020	1,769,919	-	-	-	1,769,919
2021	1,792,124	-	-	-	1,792,124
Thereafter	1,313,336	-	-	-	1,313,336
Total Future Payments	\$ 10,058,276	\$ -	\$ -	-	\$ 10,058,276

The operating lease amounts do not include estimated payments for leases with annual renewal options.

NOTE 8. INTRAGOVERNMENTAL COSTS AND EXCHANGE REVENUE

Intragovernmental costs and revenue represent exchange transactions between the Commission and other federal government entities, and are in contrast to those with non-federal entities (the public). Such costs and revenue as of September 30, 2016 and 2015 were as follows:

	2016	2015
Commission Review		
Intragovernmental Costs	\$ 1,487,393	\$ 1,246,457
Public Costs	5,110,163	4,610,081
Net Program Costs	\$ 6,597,556	\$ 5,856,538
Administrative Law Judge Determination		
Intragovernmental Costs	\$ 3,259,091	\$ 3,619,273
Public Costs	6,269,465	6,399,958
Net Program Costs	\$ 9,528,556	\$ 10,019,231
Total Intragovernmental Costs	\$ 4,746,484	\$ 4,865,730
Total Public Costs	11,379,628	11,010,039
Total Net Cost	\$ 16,126,112	\$ 15,875,769

NOTE 9. IMPUTED FINANCING SOURCES

The Commission recognizes as imputed financing the amount of accrued pension and post-retirement benefit expenses for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, OPM. For the fiscal years ended September 30, 2016 and 2015, respectively, imputed financing was as follows:

	2016	2015
Office of Personnel Management	\$ 768,032	\$ 674,604
Total Imputed Financing Sources	\$ 768,032	\$ 674,604

NOTE 10. BUDGETARY RESOURCE COMPARISONS TO THE BUDGET OF THE UNITED STATES GOVERNMENT

The President's Budget that will include fiscal year 2016 actual budgetary execution information has not yet been published. The President's Budget is scheduled for publication in February 2017 and can be found at the OMB Web site: <http://www.whitehouse.gov/omb/>. The 2017 Budget of the United States Government, with the "Actual" column completed for 2015, has been reconciled to the Statement of Budgetary Resources and there were no material differences.

NOTE 11. APPORTIONMENT CATEGORIES OF OBLIGATIONS INCURRED

Obligations incurred and reported in the Statement of Budgetary Resources in 2016 and 2015 consisted of the following:

	2016	2015
Direct Obligations, Category A	\$ 15,682,262	\$ 16,804,217
Total Obligations Incurred	\$ 15,682,262	\$ 16,804,217

Category A apportionments distribute budgetary resources by fiscal quarters.

NOTE 12. UNDELIVERED ORDERS AT THE END OF THE PERIOD

For the years ended September 30, 2016 and 2015, budgetary resources obligated for undelivered orders amounted to \$422,387 and \$1,360,535, respectively.

NOTE 13. CUSTODIAL ACTIVITY

The Commission's custodial collection primarily consists of Freedom of Information Act requests. While these collections are considered custodial, they are neither primary to the mission of the Commission nor material to the overall financial statements. The Commission's total custodial collections are \$487 and \$2,994 for the years ended September 30, 2016, and 2015, respectively.

NOTE 14. RECONCILIATION OF NET COST OF OPERATIONS TO BUDGET

The Commission has reconciled its budgetary obligations and non-budgetary resources available to its net cost of operations.

	2016	2015
Resources Used to Finance Activities		
Budgetary Resources Obligated		
Obligations Incurred	\$ 15,682,262	\$ 16,804,217
Spending Authority From Offsetting Collections and Recoveries	(1,284,779)	(1,016,751)
Offsetting Receipts	(805)	(2,992)
Net Obligations	14,396,678	15,784,474
Other Resources		
Imputed Financing From Costs Absorbed By Others	768,032	674,604
Total Resources Used to Finance Activities	15,164,710	16,459,078
Resources Used to Finance Items Not Part of the Net Cost of Operations	723,943	(799,869)
Total Resources Used to Finance the Net Cost of Operations	15,888,653	15,659,209
Components of the Net Cost of Operations That Will Not Require or Generate Resources in the Current Period:		
	237,459	216,560
Net Cost of Operations	\$ 16,126,112	\$ 15,875,769