

MINING MATTERS: WHAT'S GOING ON WITH MOTIONS TO REOPEN?

Podcasts

Dec 6, 2024



A mine operator who inadvertently misses the deadline for contesting a proposed penalty assessment is not without recourse. To proceed with a contest after a missed filing deadline, the operator must first file a Motion to Reopen Proceedings with the Review Commission. Upon a showing of good cause that the contest date was missed due to “mistake, inadvertence, surprise or excusable neglect,” the Review Commission may grant the Motion and allow the case to proceed. Historically, the Review Commission has typically granted these Motions when such a showing is made. Recently, however, a trend has developed where the Department of Labor solicitors are opposing many Motions to Reopen and the Review Commission is denying more than ever.

In this episode, Arthur and Chris discuss the basics of Motions to Reopen and how obtaining relief via such Motions has become more difficult of late. They also offer practical tips on how to avoid needing to file a Motion to Reopen in the first place and how to best position yourself for success if the need to file a Motion arises.

Related People



Christopher G. Peterson

Partner

303.218.3653



Arthur M. Wolfson

Partner

412.822.6625

Service Focus

Mine Safety & Health