

**BEFORE THE BOARD OF APPEALS
STATE OF WEST VIRGINIA**

**WEST VIRGINIA OFFICE OF MINERS'
HEALTH, SAFETY AND TRAINING,**

Petitioner,

v.

DOCKET NO.: 17-DEC-15

CLIFFORD CURRY,

Respondent.

FINAL ORDER

This case came before the Board for hearing on February 13, 2018. The Office of Miners' Health, Safety and Training (OMHST) was present and represented by Barry L. Koerber, Assistant Attorney General. Respondent, Clifford Curry, did not appear. The Board of Appeals (Board) was present in its entirety, Member Hudson appearing by telephone.

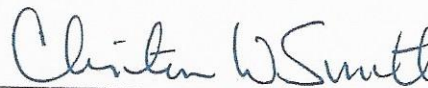
The Board inquired as to whether the Respondent was served with the Petition for Permanent Revocation and the Order setting this case for hearing. Counsel for OMHST stated that the Board's file contains certified mail, return receipt cards, showing that Respondent signed for the Charges for Withdrawal of Certification, the Probable Cause Order, and the Order setting the case for hearing. OMHST then moved the Board to grant OMHST's Charges for Withdrawal of Certification on the grounds that Respondent failed to appear and defend.

FINDINGS

1. The Board finds that the Respondent was properly served with OMHST's Charges for Withdrawal of Certification, the Probable Cause Order, and the Order setting the case for hearing.
2. The Board also finds that the Respondent has not contacted OMHST to explain why he is unable to attend the February 13, 2018 hearing.

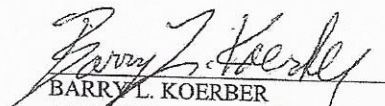
By unanimous vote (3-0), the Board **GRANTS** OMHST's motion to uphold the Charges for Withdrawal of Certification for Respondent's failure to appear and defend. The Board further **ORDERS** that the Charges for Withdrawal of Certification are **GRANTED** and all mining certifications issued to Respondent are hereby **ORDERED** permanently revoked and Respondent is permanently barred from holding any miner's certification issued by OMHST. The Board further **ORDERS** that this case be stricken from the docket of the Board.

Entered this 5th day of March, 2018.



Clinton W. Smith, Chairman
Board of Appeals

PREPARED BY:



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