

**BEFORE THE COAL MINE SAFETY BOARD OF APPEALS  
STATE OF WEST VIRGINIA**

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

**Petitioner,**

**v.**

**RONNIE E. BRITTON,**

**DOCKET NO.: 11-DEC-3**

**Respondent.**

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**FINAL ORDER**

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On the 13th and 27th days of April, 2011, came the Office of Miners' Health, Safety and Training (Petitioner), by counsel, Elaine L. Skorich, Assistant Attorney General, pursuant to an Order entered by the West Virginia Coal Mine Safety Board of Appeals (Board) setting the case for hearing on the Charges for Permanent Withdrawal of Certifications filed previously in this matter. Ronnie E. Britton (Respondent) was present with his counsel, Gregory J. Campbell. All members of the Board were present.

After hearing all of the evidence, Petitioner moved to withdraw Charges 2 and 3. After deliberating, the Board granted the motion to withdraw, dismissed Charges 2 and 3, and issued the following unanimous decision on Charge 1.

**FINDING OF FACT**

Respondent conducted mine foreman duties without having the required certifications under W. Va. Code § 22A-2-23.

### CONCLUSION OF LAW

Petitioner has carried its burden by a preponderance of the evidence in proving that Respondent conducted mine foreman duties without having the required certifications under W. Va. Code § 22A-2-23.

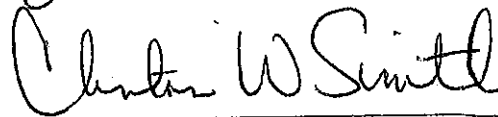
### DISPOSITION

WHEREFORE after due consideration of the arguments of both Petitioner and Respondent, this Board does hereby **ORDER** that:

1. Respondent's Surface Construction Supervisor certificate # SC-2208-03 is permanently revoked.
2. The following certifications are suspended for a period of one year from April 27, 2011: Surface Apprentice certificate #3-24953, Surface Coal Miner certificate #3-9581, Underground Apprentice certificate #3-20559, and Underground Coal Miner certificate #3-14086.
3. On or after April 27, 2012, Respondent may petition this Board to have the following reinstated: Surface Apprentice certificate #3-24953, Surface Coal Miner certificate #3-9581, Underground Apprentice certificate #3-20559, and Underground Coal Miner certificate #3-14086.
4. Respondent is barred from supervisory duties and from holding supervisory certifications for a period of three years after the date of reinstatement of the following: Surface Apprentice certificate #3- 24953, Surface Coal Miner certificate #3-9581, Underground Apprentice certificate #3-20559, and Underground Coal Miner certificate #3-14086.
5. The objection and exception of any aggrieved party is hereby preserved.

It is **FURTHER ORDERED** that this matter is stricken from the docket.

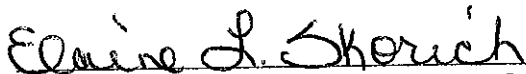
ENTERED THIS 12<sup>th</sup> DAY OF May, 2011.



CLINTON W. SMITH, CHAIRMAN  
Board of Appeals

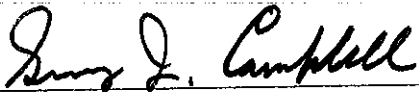
**PREPARED AND AGREED TO BY:**

DARRELL V. MCGRAW, JR.  
ATTORNEY GENERAL



Elaine L. Skorich, Assistant Attorney General  
1615 Washington Street, East  
Charleston, West Virginia 25311-2126  
Attorney for OMHST

<sup>650</sup>  
**REVIEWED ~~AND AGREED TO~~ BY:**



Gregory J. Campbell, Esquire  
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Charleston, WV 25301  
Attorney for Ronnie E. Britton