

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

IN THE MATTER OF SCOTT E. JEFFREY;

Charged party,

DOCKET NO.: 08-DEC-12

**Final Order Suspending All Miner Certificates**

On the 23rd day of March, 2009, came the West Virginia Office of Miners' Health, Safety and Training, by counsel, Elaine Skorich for a hearing on the Petition to Suspend the charged party's mining certifications. The charged party, Scott E. Jeffrey failed to appear at the hearing. All members of the Board was present. Neither counsel for the WV Office of Miners' Health, Safety and Training or Tina Miller, secretary to the Board, had been contacted by Mr. Jeffrey concerning a request for a continuance of this hearing.

**WHEREFORE**, due to the failure of the charged party to appear at the hearing it is **ORDERED** that all mining certificates of the charged party, Scott E. Jeffrey, are hereby suspended pending further order of the Board.

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

It is **FURTHER ORDERED** that the secretary to the Board shall provide Scott E. Jeffrey with a copy of this order by certified mail.

Entered this 26<sup>th</sup> day of March 2009.



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Clinton W. Smith, Chairman  
Coal Mine Safety Board of Appeals

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IN THE MATTER OF SCOTT E. JEFFREY;

Charged party,

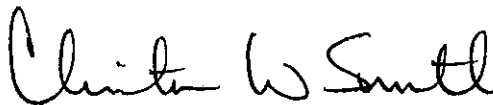
DOCKET NO.: 08-DEC-12

**ORDER**

On the 29th day of December, 2008, came Ronald L. Wooten, Director of the Office of Miners' Health, Safety and Training, by counsel, Elaine L. Skorich, and filed its Petition for Withdrawal of Certifications of Scott E. Jeffrey to act as a coal miner under any certificate, including underground coal mine certificate number 3-125860, until the conclusion of the proceedings.

The Board having considered the same hereby finds probable cause to exist for withdrawal of said certifications of Scott E. Jeffrey of upon proper application to the Board.

THEREFORE, it is hereby ORDERED that a hearing on the merits will be set at a future time and all parties will be notified officially of the hearing.



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CLINTON W. SMITH, CHAIRMAN  
MINE BOARD OF APPEALS

Dated this the 30<sup>th</sup> day of December, 2008.

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

**IN THE MATTER OF:**

**SCOTT E. JEFFREY,**

**DOCKET NO.:** 08-DEC-12

**Charged Party.**

**PETITION FOR WITHDRAWAL OF CERTIFICATIONS**

Comes now Ronald L. Wooten, Director of the West Virginia Office of Miners' Health, Safety and Training, hereinafter Petitioner, by counsel, Elaine L. Skorich, Assistant Attorney General, and petitions this administrative tribunal for an order directing and authorizing the permanent withdrawal of all mine certificates issued to Scott E. Jeffrey (hereinafter "Respondent"), including certificates numbered 3-125860 (Underground Coal Miner), 3-1072 (Apprentice Electrician), 3-20545 (Surface Apprentice Miner), and 3-17947 (Underground Apprentice Miner), or to act as a miner under any certification issued or administered by the West Virginia Office of Miners' Health, Safety and Training. This petition is brought pursuant to West Virginia Code § 22A-1-31.

**CHARGE 1**

During an investigation on or about November 10, 2008, OMHST found that Respondent was issued Underground Coal Miner Card # 3-125860 on December 9, 1998; Apprentice Electrician Card # 3-1072 on April 8, 2002; Surface Apprentice Miner Card #3-20545 on January 16, 1998; and Underground Apprentice Miner Card # 3-17947 on February 6, 1998. Respondent does not possess a certified LMH Electrician Card. Respondent apparently altered Marty E. Deck's LMH Electrician Card to reflect Respondent's social security number and name. OMHST further found that Respondent does not possess an Underground Mine Foreman Card. Respondent also apparently altered Tennis J. Sugg's Underground Mine Foreman Card to

reflect Respondent's social security number and name. Respondent used the altered LMH Electrician and Underground Mine Foreman Cards to obtain employment with, J. & R. Repairs, Inc., Permit No. C-00004288 in Boone County, West Virginia. Respondent also used the altered LMH Electrician and Underground Mine Foreman Cards to obtain employment with, Power Mt. Processing, Permit No. L-00000719 in Nicholas County, West Virginia.

OMHST also found during its investigation that Respondent admittedly performed electrical work at the Power Mountain Processing Plant and that Respondent's illegal actions were confirmed by statements received by employees of Power Mountain Processing Plant.

OMHST submits that Respondent's actions violated 36 CSR 12.4.19 which states:

No electrical work shall be performed on low-, medium-, or high-voltage distribution circuits or equipment, except by a qualified person or by a person trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person.

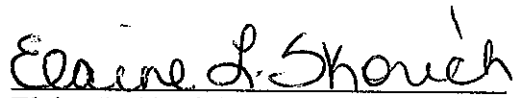
WHEREFORE, Petitioner prays that this administrative tribunal find probable cause that Scott E. Jeffrey violated statutory duties and schedule a formal hearing to determine whether all miner certifications of any and all types issued by the West Virginia Office of Miners' Health, Safety and Training should be permanently withdrawn and Scott E. Jeffrey permanently barred from holding any miner's certification.

Respectfully submitted,

RONALD L. WOOTEN, DIRECTOR  
WEST VIRGINIA OFFICE OF MINERS'  
HEALTH, SAFETY AND TRAINING,

By Counsel,

DARRELL V. McGRAW, JR.  
ATTORNEY GENERAL



Elaine L. Skorich (State Bar No. 8097)

Assistant Attorney General

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Charleston, West Virginia 25311

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IN THE MATTER OF SCOTT E. JEFFREY:

Charged party,

Docket No: 08-DEC-12

**VERIFICATION**

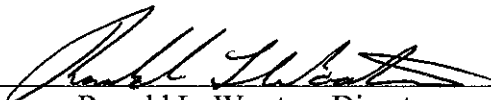
**STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA; to-wit:**

The undersigned, Ronald Wooten, Director of the State of West Virginia Office of Miners' Health, Safety and Training, being duly sworn, deposes and says the following:

I am the petitioner in the above captioned action. I have read the foregoing Petition for Withdrawal of Certifications and know its contents. The matters stated in the petition are true to the best of my knowledge, except for those matters based upon information and belief, and as to those matters, I believe them to be true.

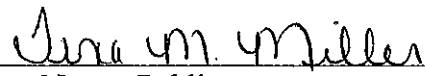
I declare under penalty of perjury under the laws of the State of West Virginia that the foregoing is true and correct.

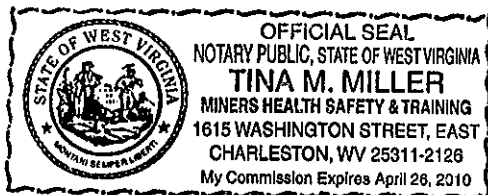
Executed on this 29<sup>th</sup> day of December, 2008, at Charleston, West Virginia.

  
\_\_\_\_\_  
Ronald L. Wooten, Director

Subscribed and sworn before me this 29<sup>th</sup> day of December, 2008.

My commission expires April 26, 2010.

  
\_\_\_\_\_  
Notary Public



December 2, 2008

Dear Sir,

*On November 11, 2008, Mr. Jeffery admitted to performing electrical work at the Power Mountain Processing Plant on or around October 09, 2008. This has been confirmed by statements received from employees of Power Mountain Coal Company.*

*Mr. Jeffery is not a certified electrician, or an apprentice electrician working under the direct supervision of a certified electrician, as required by the West Virginia Administrative Regulation Title 56 Series 3 Section 37.1 (a) for performing electrical work in the state of West Virginia.*

*According to statements received in an interview, Mr. Jeffery gave a representative of Power Mountain Coal Company, a photocopy of a fraudulent coal mine electrician card with his name, and social security number on it.*

*The above mentioned photocopy also contains a fraudulent underground foreman card with Mr. Jeffery's name and social security number on it.*

Thank You

*Edward O. Blake #201*

Edward O. Blake #201

