

COMMONWEALTH OF KENTUCKY
MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. 14-MSRC-048

COMMONWEALTH OF KENTUCKY,
OFFICE OF MINE SAFETY & LICENSING

COMPLAINANT

v.

ORDER to REINSTATE

JOEL DAY

RESPONDENT

* * * * *

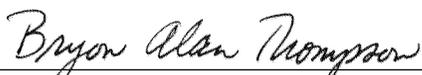
This matter is before the Mine Safety Review Commission following the suspension of the Respondent's mining certificates. The Respondent was notified by the Department on October 9, 2013 that his certificates had been suspended by the Commissioner of the Department for Natural Resources. The Respondent elected treatment on November 7, 2013 completed treatment and counseling and submitted a negative drug test however that negative drug test was more than thirty days old. Once informed of that lapse in time Respondent submitted another negative drug test on April 21, 2014 however that occurred after the revocation of his certifications on April 10 due to the lapsed test. This Order is to correct that error in timing and reinstate his certificates;

THEREFORE it is ORDERED, the Respondent's certifications are **REINSTATED** and;

IT IS FURTHER ORDERED, that this Final Order shall be considered to constitute a “first offense” as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by the Certificate holder, resulting in an adjudication of guilt by the Commission, shall be deemed “subsequent offenses” as defined by 805 KAR 8:010, Section 1(13).

IT IS FURTHER ORDERED, that pursuant to KRS 351.194(8) and KRS 138.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

This is a **Order** issued this the 25TH day of April, 2014;



Hon. Bryon Alan Thompson, Hearing Officer
Mine Safety Review Commission.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ORDER was served by regular mail, postage pre-paid to the following this the 25TH day of April 2014:

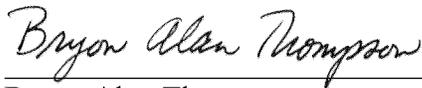
JOEL DAY
215 WATERWORKS ROAD
CENTRAL CITY, KY 42330

and by messenger mail to:

Office of General Counsel
#2 Hudson Hollow
Frankfort Ky 40601
502/ 564- 2356
Fax 502/ 564 - 9212

And the original shall be kept on file:

Mine Safety Review Commission
132 Brighton Park Blvd.
Frankfort Ky 40601



Bryon Alan Thompson
Hearing Officer & General Counsel
Mine Safety Review Commission