

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 12-MSRC-106

**BILL C. BRASHEARS**

PETITIONER

v.

**ORDER**

COMMONWEALTH OF KENTUCKY,  
DIVISION OF MINE SAFETY

RESPONDENT

\* \* \* \* \*

This matter comes before the Mine Safety Review Commission (MSRC) by Respondent's (DMS) Motion for Sanctions. Petitioner, miner and Certificate holder requested a hearing in regard to his previous certificate suspension pursuant to KRS 351.120(12). Subsequently Petitioner entered a Settlement Agreement as the Final Order of this Commission and in the pertinent part agreed to periodic drug testing as a condition of his continued certification. Petitioner was notified by Respondent's Motion for Sanctions prior to this hearing of his need to participate to explain his failure to pass or **failure to submit** or testing positive on the required drug tests and that revocation was the penalty sought for violation of the Settlement Agreement and Final Order.

The Petitioner having failed to respond or appear and Respondent, OMSL, presenting cause for revocation and thus the Commissioner's being advised;

THEREFORE it is ORDERED, the Respondent's certifications are **REVOKED** for a period of no less than **three (3) years** from the date of this Order;

IT IS FURTHER ORDERED, that Respondent is ineligible for any other or additional certifications for a period of no less than three (3) years from the date of this Order;

IT IS FURTHER ORDERED, that pursuant to KRS 351.194(8) and KRS 13B.140(1), **an appeal of an order of this Commission must be filed in the Franklin County 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 **Final Order** this the 14<sup>TH</sup> day of August 2014.



---

Hon. William D. Donan, Chair  
MINE SAFETY REVIEW COMMISSION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing FINAL ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this the 20<sup>TH</sup> day of August 2014:

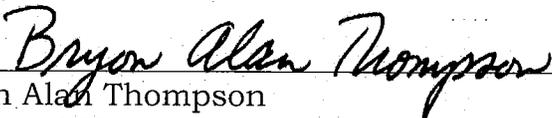
BILLY BRASHEARS  
590 GEORGE B. BRANCH  
WHITESBURG, KY 41858

And by messenger mail to:

HON. ANNA K. GIRARD  
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