

ON APPEAL TO THE COMMISSION

FEDERAL MINE SAFETY AND HEALTH  
REVIEW COMMISSION

SECRETARY OF LABOR,	)	
MINE SAFETY AND HEALTH	)	
ADMINISTRATION (MSHA),	)	
	)	
Petitioner,	)	
	)	
	)	Docket Nos. LAKE 2013-66
	)	LAKE 2012-506
	)	LAKE 2013-251
v.	)	LAKE 2013-252
	)	LAKE 2013-307
	)	LAKE 2012-896
	)	
	)	
BIG RIDGE, INC.,	)	
	)	
Respondent.	)	

DESIGNATION OF PETITION FOR DISCRETIONARY REVIEW  
AS OPENING BRIEF, AND CITATION OF ADDITIONAL  
AUTHORITY PURSUANT TO FED. R. APP. P. 28(j)

Pursuant to Commission Rule 75(a)(1), 29 C.F.R.

§ 2700.75(a)(1), the Secretary of Labor hereby designates his petition for discretionary review ("PDR") in the above-captioned case as his opening brief.

In addition to designating his petition as his opening brief, the Secretary, pursuant to Fed. R. App. P. 28(j), cites to supplemental authority for consideration by the Commission. In support of the principle that supervisory personnel must be held to a higher standard of care and cannot rely on a state of


self-induced ignorance of relevant facts in mitigation of an unwarrantable failure determination, a principle discussed at pages 14-18 of the Secretary's PDR, the Secretary wishes to direct the Commission's attention to the following case law: Mach Mining, LLC, 36 FMSHRC \_\_\_, slip op. at 3 (June 2, 2014).

Respectfully submitted,

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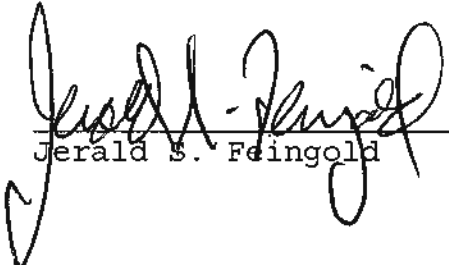
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Secretary of Labor's Designation of Petition for Discretionary Review as Opening Brief, and Citation of Additional Authority Pursuant to Fed. R. App. P. 28(j) was sent by facsimile and overnight mail this 16th day of June, 2014, to:

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