

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2060

RAW COAL MINING COMPANY, INC.,

Petitioner,

v.

SECRETARY OF LABOR; FEDERAL MINE SAFETY & HEALTH REVIEW
COMMISSION; FEDERAL MINE SAFETY & HEALTH ADMINISTRATION,

Respondents.

On Petition for Review of an Order of the National Labor
Relations Board. (WEVA 2011-858; WEVA 2011-2051; WEVA 2011-409)

Submitted: January 23, 2014

Decided: February 4, 2014

Before KING, DUNCAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Melissa M. Robinson, Adam J. Schwendeman, JACKSON KELLY, PLLC,
Charleston, West Virginia, for Petitioner. M. Patricia Smith,
Solicitor of Labor, Heidi W. Strassler, Associate Solicitor, W.
Christian Schumann, Appellate Litigation, David L. Edeli, UNITED
STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raw Coal Mining Company seeks review of the Federal Mine Safety and Health Review Commission's ("Commission") order denying its motion, under Federal Rule of Civil Procedure 60(b)(1), to reopen the civil penalty assessment proceedings. Our review of the record reveals that Raw Coal failed to urge before the Commission the objection it now makes to this court, and it has not presented extraordinary circumstances excusing that failure. See 30 U.S.C. §§ 816(a)(1), 823(d)(2)(A)(iii) (2012). Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED