



**U.S. OFFICE OF SPECIAL COUNSEL**  
**1730 M Street, N.W., Suite 300**  
**Washington, D.C. 20036-4505**

**The Special Counsel**

May 1, 2025

The President  
The White House  
Washington, D.C. 20050

Re: OSC File No. DI-24-000612

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the U.S. Department of Labor (DOL) in response to the Special Counsel's referral of a disclosure of wrongdoing at the Mine Safety and Health Administration (MSHA), Norton District, Wise, Virginia.<sup>1</sup> OSC has reviewed the disclosure and the agency report and, in accordance with 5 U.S.C. § 1213(e), I have determined that the report contains the information required by statute and the findings appear reasonable. The whistleblower, who chose to remain confidential, did not comment on the report. As summarized below, the agency did not substantiate the allegation.

The whistleblower alleged that on March 8, 2024, MSHA's Norton District Manager approved an annual mine map for the Cowpen Resurrection Mine 15-19196 (Cowpen Mine) that was not compliant with 30 C.F.R. § 75.372, which requires mine operators to submit up-to-date mine maps at least every 12 months to the local District Manager. Subsection (b) describes the required information every mine map must contain, including the "overlays and underlays," meaning all known mine workings above and below the mine property and the distances between them. Section (a)(1) requires the map to be certified by a registered engineer or a registered surveyor prior to submission. On February 22, 2024, an agent of Cowpen Mine submitted the mine's annual map for approval to MSHA, but did not include the required overlays and underlays. The regulation requires that a certified map reflecting the same information be submitted at least every 12 months even if the map's overlays and underlays had not changed since they were last submitted the year prior. Initially, MSHA informed the Cowpen Mine agent that the map would not be approved without the

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<sup>1</sup> The whistleblower's allegations were referred to former Acting Labor Secretary Julia A. Su for investigation pursuant to 5 U.S.C. § 1213(c) and (d). Acting Secretary Su signed the report. The DOL Office of Inspector General conducted the investigation.

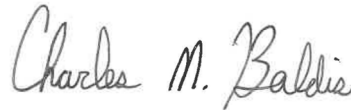
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overlays and underlays. In response, the Cowpen Mine agent told agency employees that he would contact MSHA headquarters to force the approval. Shortly thereafter at the request of DOL's Office of the Deputy Assistant Secretary for Operations, the Norton District Assistant District Manager directed the approval of the Cowpen Mine map. The map was subsequently approved by the Norton District Manager on March 8, 2024.

The agency did not substantiate the allegation. The investigation found that the Cowpen Mine was in idle status when its mine map was submitted for approval. According to the MSHA Program Policy Manual Volume V – Coal Mines, mines are considered to be in temporarily idled status when the work of all miners has been terminated and production related activities have ceased, but the mine still has recoverable reserves that are expected to be mined in the future. The report stated that the Cowpen Mine went into idle status in February 2024, one month before the map was approved. Because the Cowpen Mine was idle at the time its mine map was submitted, the Cowpen Mine agent was not required to provide overlays and underlays. The report noted that if the Cowpen Mine were to notify MSHA that they planned to start production again, then MSHA would request the overlays/underlays in accordance with 30 C.F.R. § 75.372. Further, MSHA conducted a spot inspection of the Cowpen Mine on October 7, 2024, and confirmed that the mine is idle with no people or activity on site. Although the allegation was not substantiated, the agency has detailed the Deputy Assistant Secretary for Operations, who is referenced in the OSC referral letter, to a position outside of MSHA while it conducts a review of any potential improprieties related to this matter, along with other pending matters.

I thank the whistleblower for bringing the allegation to OSC. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency report, and whistleblower comments to the Chairs and Ranking Members of the Senate Committee on Health, Education, Labor, and Pensions and the House Committee on Education and Workforce. I have also filed redacted copies of these documents and the redacted referral letter in OSC's public file, which is available online at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,

A handwritten signature in cursive script that reads "Charles M. Baldis".

Charles N. Baldis  
*Senior Counsel and Designee  
of Acting Special Counsel Jamieson Greer*

Enclosures