

44. If any applicant shall feel himself aggrieved upon a refusal of a first-class mine foreman certificate or a permit of competency by the Examining Board or the Director, he may apply to the State Employment Commissioner who shall review the examination and refusal; and if he finds such refusal unwarranted, may direct a correction thereof; and from such review he may appeal by petition to the Circuit Court for the county within which he resides and such court shall have power to hear and determine the matter, issuing such orders therein as may be just.

45.

(a) If it shall be established to the satisfaction of the Examining Board that the holder of a first-class mine foreman's certificate theretofore issued by such Examining Board has by reason of violation of law, fraud, intemperate habits, incapacity or other good cause, become unworthy to hold the same, such certificate may be cancelled, or the right to use the same suspended for not longer than two years; provided, that the Director, upon being satisfied that the person holding any certificate is incompetent or otherwise unworthy, and that such person if allowed to continue to hold such certificate may do or permit acts or conditions tending to endanger the lives or health of persons employed in or about any mine, may suspend the right of such person to use such certificate until the convening of the Examining Board, not exceeding thirty days; giving notice of his action to the holder of such certificate and to his employer; and provided further, that any person against whom charges or complaints are made hereunder shall have the right to appear before said Examining Board and defend himself; and he shall be given fifteen days' notice in writing of such charges by the Examining Board, previous to the hearing. Such hearing shall be held at the call of the chairman, within a reasonable time after charges or complaints have been filed with such Examining Board, but in no case longer than thirty days thereafter. Any person whose certificate of competency has been cancelled shall be eligible to take an examination for a new certificate on and after two years from the date of such cancellation.

(b) If it shall be established to the satisfaction of the Director that the holder of any permit of competency issued by such Director or Examining Board has by reason of violation of law, fraud, intemperate habits, incapacity, or other good cause, become unworthy to hold same, such permit may be cancelled or the right to use the same sus-