



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

SEWARD SHIP'S DRYDOCK, INC.,

Respondent.

OSHRC Docket No. 09-1901

FINAL ORDER

This case is on remand from the United States Court of Appeals for the Ninth Circuit. *Secretary of Labor v. Seward Ship's Drydock, Inc.*, 937 F.3d 1301 (9th Cir. 2019), *rev'g* 26 BNA OSHC 2303, 2305-08 (No. 09-1901, 2018). The Ninth Circuit's formal mandate was received by the Commission on November 4, 2019. On April 29, 2020, Respondent withdrew its Notice of Contest in the case pursuant to Commission Rule 102, 29 C.F.R. § 2200.102. The Commission therefore vacates its decision issued on February 28, 2018, and Administrative Law Judge Patrick B. Augustine's decision issued on October 6, 2011.

SO ORDERED.

BY DIRECTION OF THE COMMISSION

Dated: April 30, 2020

/s/ _____
John X. Cerveny
Executive Secretary