



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.
SHARON AND WALTER
CONSTRUCTION, INC.,
Respondent.

OSHRC Docket No.00-1402

BRIEFING NOTICE

Briefs are requested with respect to the following issues:

- 1) Whether the administrative law judge erred in affirming Item 1 of Citation 1, which alleges a violation of 29 C.F.R. § 1926.501(b)(11), and, if not, in characterizing the violation as willful.
- 2) Whether the administrative law judge erred in affirming Item 1 of Citation 2, which alleges a violation of 29 C.F.R. § 1926.503(a)(2), and, if not, in characterizing the violation as repeat.

The parties are advised that when the merits or characterization of an item are before the Commission for review, the appropriateness of the penalty also is subject to review. Accordingly, the parties may address the amount of the penalty if they so choose.

All briefs are to be filed in accordance with Commission Rule 93.¹ *The first brief is to be filed within 40 days of the date of this notice.*

A party who does not intend to file a brief must notify the Commission in writing setting forth the reason therefor within the applicable time for filing briefs, and shall serve a copy on all other parties. *The time for filing briefs (or similar notices of intent) of opposing parties shall commence on the date of service.*

FOR THE COMMISSION

Ray H. Darling, Jr.
Executive Secretary

Date: October 18, 2001

¹ The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the lefthand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority other than statutes, case law, law journal articles and legal treatises be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.