UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR, Complainant, v. RITE-WAY INTERNAL REMOVAL, INC., Respondent.	:	Docket No. 01-0995

Appearances: Donyell Thompson, Esq., For the Secretary No appearance for Respondent

BEFORE: Chief Judge Irving Sommer

DECISION AND ORDER

On July 3, 2001 the Secretary moved to dismiss the Respondent's notice of contest as not being timely under the Act. A hearing was scheduled concerning the motion for July 26, 2001 in New York, N.Y. The Secretary appeared with her witnesses ready for trial. There was no appearance by the Respondent. Motion by the Secretary for a default is granted.

The serious citation in amount of $7600 issued on March 22, 2001 is AFFIRMED.

/s/
IRVING SOMMER
Chief Judge

DATED: 9 AUG 2001
Washington, D.C.