

United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,
Complainant,
v.
XYZ CORP.,
Respondent.

OSHRC DOCKET NO.

ANSWER

I, II, III

Respondent admits Paragraphs I, II and III.

IV

Respondent denies Paragraph IV.

V

Respondent has insufficient information to either admit or deny the allegations at Paragraph V, and therefore denies the same.

VI

Respondent denies Paragraph VI.

VII

Respondent has insufficient information to either admit or deny the allegations at Paragraph VII, and therefore denies the same.

VIII

Respondent denies the allegations at Paragraph VIII. The penalties are excessive under § 17(j) of the Act based upon the small size of the employer, which has only twelve employees, and the low gravity of the alleged violations.

IX

Respondent pleads the affirmative defense of “greater hazard” as to Citation 1, Item 3a. Abatement of the violation alleged in Citation 1, Item 2 will increase the safety risk to

employees. Respondent also pleads the affirmative defense of “unpreventable employee misconduct” as to Citation 2, Item 2. The alleged conditions were the result of unauthorized actions by certain employees which resulted in the conditions referred to in the alleged violations.

RESPONDENT

By _____
Attorney
XYZ Corp.
123 Street
City, State Zip Code

CERTIFICATE OF SERVICE

[Electronic filing].

This is to certify that service of the Joint Notification of Settlement filed in the Commission’s E-File System was also simultaneous served by email attachment to the parties listed below on _____.

[Self-Represented party exempt from electronic filing].

This is to certify that a copy of the Joint Notification of Settlement was served by first class, postage prepaid, U.S. Mail to the parties listed below on _____.

_____/s/_____

Name Title
Company / Firm Name / Office of the Solicitor
Street Address
City, State, Zip Code
Email Address