



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.

ACTION ELECTRIC COMPANY,

Respondent.

OSHRC Docket No. 12-1496

REMAND ORDER

Before: MACDOUGALL, Chairman; ATTWOOD and SULLIVAN, Commissioners.

BY THE COMMISSION:

This case is before the Commission on remand from the United States Court of Appeals for the Eleventh Circuit. *Sec'y of Labor v. Action Elec. Co.*, 868 F.3d 1324 (11th Cir. 2017). Former Administrative Law Judge Ken S. Welsch vacated a citation item alleging a violation of a provision of the Occupational Safety and Health Administration's lockout/tagout standard, 29 C.F.R. § 1910.147(f)(3)(ii)(D). *Action Elec. Co.*, 25 BNA OSHC 2138 (No. 12-1496, 2013) (ALJ). The case was directed for review, but the Commission subsequently vacated the direction for review, so the judge's decision became the Commission's final, appealable order. *Action Elec. Co.*, 25 BNA OSHC 2120 (No. 12-1496, 2016). On appeal, in a decision dated July 13, 2017, the court vacated the final order and directed that the citation item be reinstated. 868 F.3d at 1336.

By mandate filed September 20, 2017, the court has remanded this case to the Commission. We, in turn, remand this case to the Chief Administrative Law Judge for reassignment and further proceedings consistent with the court's opinion.

SO ORDERED.

/s/ _____
Heather L. MacDougall
Chairman

/s/ _____
Cynthia L. Attwood
Commissioner

/s/ _____
James J. Sullivan, Jr.
Commissioner

Dated: October 12, 2017