



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.

OSHRC Docket No. 13-1458

LONGHORN SERVICE COMPANY,

Respondent.

REMAND ORDER

Before: ATTWOOD, Chairman; and MACDOUGALL, Commissioner.

BY THE COMMISSION:

This case is before the Commission on remand from the United States Court of Appeals for the Tenth Circuit. *Longhorn Service Co. v. Perez*, No. 15-9554, 2016 WL 3397714 (10th Cir. June 14, 2016). On appeal by Respondent, the court reviewed a decision of Administrative Law Judge John H. Schumacher. *Longhorn Service Co.*, 25 BNA OSHC 1572 (No. 13-1458, 2015). By mandate issued August 8, 2016, the court has remanded the case to the Commission to vacate Citation 1, Item 2A and to enter a separate penalty for Citation 1, Item 2B. We, in turn, remand this case to the judge for further proceedings consistent with the court's opinion.

SO ORDERED.

/s/ _____
Cynthia L. Attwood
Chairman

/s/ _____
Heather L. MacDougall
Commissioner

Dated: September 20, 2016