

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

v.

BRANHAM SIGN COMPANY, INC.,

Respondent.

Docket No. 02-0969

DECISION AND ORDER ON MOTION FOR DEFAULT JUDGEMENT

On August 27, 2002, the undersigned issued his Order and Corrected Order To Show Cause. The Corrected Order required the Respondent to explain its reason(s) for its failure to comply with this Court's two Pre-Trial Conference and Scheduling Orders dated August 5 and August 16, 2002. The purpose of the two orders was to encourage settlement of the case or if, unsuccessful, then to narrow the issues.

The Respondent filed its reply on August 29, 2002. It was a diatribe in which the Respondent failed to address the issue raised in the Corrected Order To Show Cause.

DISCUSSION AND CONCLUSION

Our system of government offers its citizens unlimited freedoms; however, the freedoms are based upon laws, regulations and responsibilities. Additionally, it is axiomatic to our democracy that citizens demonstrate respect for the Courts, the adjudicative process and, however, begrudgingly, respect for the opposing party.

While the Respondent professes "love [for] my Country," it states "[it has] no love, or respect or feelings of duty for the Government of the United States of America." Supporting his disdain for the laws, regulations, and responsibilities expected of its citizenry, the Respondent (1) ignored this Court's Order dated August 5, 2002 by failing to notify the Court of Respondent's unavailability to participate in the scheduled August 16, 2002, pre-trial telephone conference, and (2) refused to participate in the scheduled August 20, 2002, pre-trial telephone conference.

It is the opinion of this Court that the Respondent has no intention to act responsibly in this matter but to engage in a vitriolic discourse against the United States government, in general and against the Occupational Safety and Health Administration, in particular. This Court has made allowances for the *pro se* employer. In return, the *pro se* employer has engaged in contumacious conduct and has prejudiced the complainant by its failure to engage in ANY discussions regarding issue and witness identification and any defenses the Respondent intended to assert. *See Sealtite Corp., 15 BNA OSHC 1130* (No.88-1431, 1991).

IT IS ORDERED that the Motion for Default Judgement is GRANTED.

IT IS FURTHER ORDERED that the Citation and Notification of penalty issued June 5, 2002, is affirmed in its entirety.

Dated: September 16, 2002
Washington, D.C.

_____/s/_____
G. Marvin Bober
Administrative Law Judge