



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.

BAKER HI-WAY EXPRESS, INC.,

Respondent.

OSHRC Docket No. 06-0039

DIRECTION FOR REVIEW AND REMAND ORDER

In an order dated April 3, 2006, Chief Administrative Law Judge Irving Sommer entered a default judgment against Baker Hi-Way Express, Inc. (“Baker”). After Baker filed a petition for discretionary review (“PDR”) and the Secretary filed her opposition to the PDR, the Secretary and Baker filed a copy of a signed settlement agreement, dated May 3, 2006, with the Commission. In the agreement, Baker certifies that the settlement agreement was mailed to union representatives and was served on employees in accordance with Commission Rules 7 and 100, 29 C.F.R. §§ 2200.7 and .100.

Accordingly, we direct this case for review, set aside the judge’s order, and remand the matter to the judge for consideration of the settlement agreement.

/s/ _____
W. Scott Railton
Chairman

/s/ _____
Thomasina V. Rogers
Commissioner

Dated: May 4, 2006

United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Secretary of Labor, Complainant, V. BAKER HI-WAY EXPRESS, INC. Respondent.
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OSHRC DOCKET NO. 06-0039

ORDER

On **March 01, 2006** the undersigned issued an **ORDER TO SHOW CAUSE** to the Respondent as to why his Notice of Contest should not be dismissed for failure to file an answer to the complaint as required by the Commission Rules of Procedure. The Respondent failed to reply to the ORDER. His actions demonstrate either that he has abandoned the case or treats the Rules of Procedure of the Commission with disdain. This cannot be countenanced as it seriously impedes administration of justice.

Accordingly, the Notice of Contest filed by the Respondent is dismissed. The Secretary's citation(s) and proposed penalties are **AFFIRMED** in all respects.

/s/
IRVING SOMMER
Chief Judge

DATE: April, 3, 2006
Washington, D.C.