

United States of America OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION 1120 20th Street, N.W., Ninth Floor Washington, DC 20036-3419

Office of	Phone: (202) 606-5100
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SECRETARY OF LABOR,	
Complainant,	•
V.	· OSHRC Docket No. 95-0956
	:
GUTKNECHT CONSTRUCTION CO.,	:
	:
Respondent.	:
	<u></u> :

ORDER

This matter is before the Commission on a direction for review entered by Commissioner Daniel Guttman on August 9, 1996. The parties have now filed a stipulation and settlement agreement.

Having reviewed the record, and based upon the representations appearing in the stipulation and settlement agreement, we conclude that this case raises no matters warranting further review by the Commission. The terms of the stipulation and settlement agreement do not appear to be contrary to the purposes of the Occupational Safety and Health Act and are in compliance with the Commission's Rules of Procedure.

Accordingly, we incorporate the terms of the stipulation and settlement agreement into this order, and we set aside the Administrative Law Judge's decision and order to the extent that it is inconsistent with the stipulation and settlement agreement. This is the final order of the Commission in this case. See 29 U.S.C. §§ 659(c), 660(a), and (b).

/s/ Stuart E. Weisberg Chairman

Date: July 18, 1997

/s/

Daniel Guttman Commissioner