



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
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Office of
 Executive Secretary

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SECRETARY OF LABOR,	:	
	:	
Complainant,	:	
	:	
v.	:	OSHRC Docket No. 97-1076
	:	
INNOVATIVE LAMINATING CORP.,	:	
	:	
Respondent.	:	

DIRECTION FOR REVIEW AND ORDER

Before: WEISBERG, Chairman; GUTTMAN, Commissioner.

BY THE COMMISSION:

We direct this case for review to correct an administrative error that has occurred because a signed stipulated settlement that pertains to another matter was filed and approved in this case.

In this case, the Secretary issued a failure to abate citation, inspection number 301055117, to Innovative Laminating Corp. (Innovative Laminating) located at Passaic, New Jersey. Thereafter the Executive Secretary docketed Innovative Laminating's notice of contest as docket number 97-1076. The Secretary then filed an unsigned copy of a stipulated settlement. A signed copy of the settlement was never filed. Subsequently, the Secretary filed a notice of withdrawal that has not been acted on.

Most recently, the Secretary filed a cover letter and a signed stipulated settlement with the Commission. The letter referenced Innovative Plastics, Inc., (Innovative Plastics) but listed the docket number as 97-1076. The attached settlement is also captioned with the employer's

name as Innovative Plastics, Inc., and lists the inspection number of 301455507. The signed settlement agreement states that it was served on the authorized employee representative for Innovative Plastics at Orangeburg, New York. The settlement agreement was then approved by the administrative law judge.

It is clear that the signed settlement agreement does not pertain to this case. The employers' names, locations, and inspection numbers are different. The references to the item numbers in the citation and the proposed penalties are also different. We are unable to find a case file under the name Innovative Plastics. Thus, we conclude that the signed settlement was incorrectly filed in this record and inadvertently approved by the judge.

Accordingly, we strike the signed settlement concerning Innovative Plastics from the record and set aside the administrative law judge's order approving it. We also approve the Secretary's notice of withdrawal in this case.

The Executive Secretary is directed to return the erroneously filed signed settlement to the Secretary's counsel. So ordered.

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/s/
Stuart E. Weisberg, Chairman

Date: November 7, 1997 _____
/s/
Daniel Guttman, Commissioner

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