



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

Office of
 Executive Secretary

Phone: (202) 606-5400
 Fax: (202) 606-5050

SECRETARY OF LABOR,	:	
	:	
Complainant,	:	
	:	
v.	:	OSHRC Docket No. 97-1146
	:	
TRACY BAKERY PRODUCTION INC.,	:	
	:	
Respondent.	:	

ORDER

The Secretary has filed a petition for discretionary review informing the Commission that the area office and Tracy Baker Production Inc. (Tracy) have settled this matter. The Secretary's Regional Attorney states that the Regional Solicitor's Office was unaware of the settlement when it filed its notice of withdrawal. As evidence of the error, the Secretary has filed a copy of the settlement. Tracy has not opposed the petition.

We have reviewed the record and conclude that the notice of withdrawal was filed as a result of administrative error. Accordingly, we set aside the withdrawal and the administrative law judge's order approving it, and we approve the settlement.

So ordered.

— _____/s/_____
Stuart E. Weisberg, Chairman

Date: November 6, 1997 _____/s/_____
Daniel Guttman, Commissioner

—