

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1636
MAIN TELEPHONE (410) 347-8700
FACSIMILE (410) 752-7092

KEVIN C. MCCORMICK
DIRECT LINE (410) 347-8779
DIRECT FAX (410) 223-4379
kmccormick@wtplaw.com

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
ROANOKE, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

August 5, 2013

Hand Delivery

Mr. Ray H. Darling, Jr.
Executive Secretary
Occupational Safety and Health Review Commission
One Lafayette Center
1120 20th Street, N.W., Room 980
Washington, DC 20036-3419

**Re: Integra Health Management, Inc.
Answer to Complaint
OSHRC Docket No. 13-1124**

Dear Mr. Darling:

Enclosed please find a copy of Respondent Integra Health Management, Inc.'s Answer filed in the above-captioned matter.

Sincerely,



Kevin C. McCormick

KCM:sb
Enclosure

2060401

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR

*

Complainant

* OSHRC Docket No: 13-1124

v.

*

Region IV

INTEGRA HEALTH MANAGEMENT, INC.

*

Inspection No: 781282

Respondent

*

* * * * *

ANSWER

In Answer to the Complaint filed in the instant matter, the Respondent, Integra Health Management, Inc. ("Integra" or "Respondent"), by undersigned counsel, states as follows:

PARAGRAPHS I, II, III

Respondent admits the allegations contained in Paragraph I, II and III.

PARAGRAPH IV

Respondent denies the allegations contained in Paragraph IV.

PARAGRAPH V

Respondent neither admits nor denies the allegations contained in Paragraph V.

PARAGRAPH VI

Respondent denies the allegations contained in Paragraph VI.

PARAGRAPH VII

Respondent neither admits nor denies the allegations contained in Paragraph VII.

PARAGRAPH VIII

Respondent denies the allegations in Paragraph VIII. The proposed penalties are excessive under §17(j) of the Act based on the size of the Respondent and the low gravity of the alleged violations.

PARAGRAPH IX

Respondent pleads the affirmative defense of “unpreventable employee misconduct”. The alleged condition was the result of unforeseeable employee misconduct, unauthorized actions by a certain employee and the criminal misconduct of another individual which resulted in the conditions referred to in the alleged violations. Moreover, Respondent also maintains that there was no violation of the “general duty” clause, as Respondent’s existing procedures meet or exceed the general industry standards concerning the events that lead to the events referenced in the citations.

PARAGRAPH X

Any allegations in the Complaint that have not been expressly admitted are hereby denied.

Respectfully submitted,



Kevin C. McCormick
Whiteford, Taylor & Preston L.L.P.
Seven Saint Paul Street
Baltimore, Maryland 21202-1636
(410) 347-8700

Attorney for Respondent,
INTEGRA HEALTH MANAGEMENT,
INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2013, a copy of the foregoing

Answer was mailed first class, postage prepaid to:

Mr. Stanley E. Keen
Regional Solicitor
U.S. Department of Labor
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W. Room 7T10
Atlanta, GA 30303
Attention: Jeremy K. Fisher, Attorney



Kevin C. McCormick