



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.

MONROE DRYWALL CONSTRUCTION, INC.,

Respondent.

OSHRC Docket No. 12-0379

BRIEFING NOTICE (EXPEDITED SCHEDULE)

The Commission requests that the parties brief the following issues:

- (1) Did the judge err in determining the admissibility and weight of the out-of-court statements that were offered into evidence by the Secretary without objection? *See MVM Contracting Corp.*, 23 BNA OSHC 1164, 1166 (No. 07-1350, 2010) (noting that hearsay is admissible if no objection is raised at the hearing).
- (2) Did the judge err in finding that the Secretary did not prove that any exposed workers were Respondent's employees?

The briefing schedule will be simultaneous and expedited, and reply briefs will not be accepted. Briefs are due from both parties by January 31, 2013, and shall otherwise be filed in accordance with Commission Rule 93.¹ Any party who does not intend to file a brief is asked to notify the Commission of its intent in writing within the applicable time for filing briefs and serve a copy on all other parties. Due to the expedited nature of the briefing schedule, requests for extensions of time for filing briefs are strongly discouraged.

¹ The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority, other than statutes, case law, law journal articles and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.

BY DIRECTION OF THE COMMISSION

Dated: January 4, 2013

/s/

John X. Cervený
Deputy Executive Secretary