



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) 606-5100
 Fax: (202) 606-505

SECRETARY OF LABOR,	:	
	:	
Complainant,	:	
	:	
v.	:	OSHRC Docket No. 95-0843
	:	
MBH BUILDERS, INC.,	:	
	:	
Respondent.	:	

ORDER

MBH Builders, Inc., (MBH) filed a petition for discretionary review in this case, however, it failed to respond to the Commission's briefing notice. A subsequent order issued to MBH by certified mail requiring MBH to file its brief has been returned as unclaimed. In view of MBH's failure to respond, its petition for discretionary review is dismissed and the administrative law judge's decision is affirmed.

So ordered.

BY DIRECTION OF THE COMMISSION

Date: November 26, 1996

Ray H. Darling, Jr.
 Executive Secretary

OSHRC No. 33

95-0843

NOTICE IS GIVEN TO THE FOLLOWING:

Daniel J. Mick
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Ave., N.W.
Washington, D.C. 20210

Tedrick Housh, Jr.
Office of the Solicitor, U.S. DOL
1210 City Center Square
1100 Main Street
Kansas City, MO 64105

Mark Hummel
MBH Builders, Inc.
P. O. Box 1113
Parker, CO 80134



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
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Phone: (202) 606-5400
Fax: (202) 606-5050

SECRETARY OF LABOR
Complainant,
v.
MBH BUILDERS, INC.
Respondent.

OSHRC DOCKET
NO. 95-0843

**NOTICE OF DOCKETING
OF ADMINISTRATIVE LAW JUDGE'S DECISION**

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on July 1, 1996. The decision of the Judge will become a final order of the Commission on July 31, 1996 unless a Commission member directs review of the decision on or before that date. **ANY PARTY DESIRING REVIEW OF THE JUDGE'S DECISION BY THE COMMISSION MUST FILE A PETITION FOR DISCRETIONARY REVIEW.** Any such petition should be received by the Executive Secretary on or before July 22, 1996 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91.

All further pleadings or communications regarding this case shall be addressed to:

Executive Secretary
Occupational Safety and Health
Review Commission
1120 20th St. N.W., Suite 980
Washington, D.C. 20036-3419

Petitioning parties shall also mail a copy to:

Daniel J. Mick, Esq.
Counsel for Regional Trial Litigation
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Avenue, N.W.
Washington, D.C. 20210

If a Direction for Review is issued by the Commission, then the Counsel for Regional Trial Litigation will represent the Department of Labor. Any party having questions about review rights may contact the Commission's Executive Secretary or call (202) 606-5400.

FOR THE COMMISSION

Ray H. Darling, Jr.
Executive Secretary

Date: July 1, 1996

DOCKET NO. 95-0843

NOTICE IS GIVEN TO THE FOLLOWING:

Tedrick Housh, Esq.
Regional Solicitor
Office of the Solicitor, U.S. DOL
1210 City Center Square
1100 Main Street
Kansas City, MO 64105

Mark B. Hummel, President
MBH Builders, Inc.
17943 East Utah Place
Aurora, CO 80017

Sidney J. Goldstein
Administrative Law Judge
Occupational Safety and Health
Review Commission
Room 250
1244 North Speer Boulevard
Denver, CO 80204 3584

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UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,

Complainant,

v.

OSHRC DOCKET
NO. 95-0843

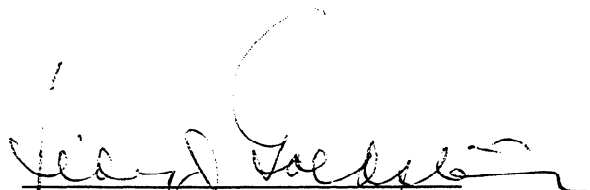
MBH BUILDERS, INC.,

Respondent.

ORDER

The Secretary's Motion for Default Judgment is hereby GRANTED. Respondent is hereby declared in default and the citations and proposed penalties are hereby AFFIRMED.

IT IS SO ORDERED.


SIDNEY J. GOLDSTEIN
Judge, OSHRC

Dated: June 21, 1996