



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
 One Lafayette Centre
 1120 20th Street, N.W. — 9th Floor
 Washington, DC 20036-3419

PHONE:
 COM (202) 608-6100
 FTS (202) 608-6100

FAX:
 COM (202) 608-5060
 FTS (202) 608-6060

SECRETARY OF LABOR,

Complainant,

v.

AKBAR ELECTRIC SERVICE COMPANY,

Respondent.

Docket No. 93-2518

ORDER

This matter is before the Commission on a direction for review entered by Commissioner Velman Montoya on February 7, 1994. The parties have now filed a stipulation and settlement agreement.

Having reviewed the record, and based upon the representations appearing in the stipulation and settlement agreement, we conclude that this case raises no matters warranting further review by the Commission. The terms of the stipulation and settlement agreement do not appear to be contrary to the Occupational Safety and Health Act and are in compliance with the Commission's Rules of Procedure.

Accordingly, we incorporate the terms of the stipulation and settlement agreement into this order, and we set aside the Administrative Law Judge's decision and order to the extent that it is inconsistent with the stipulation and settlement agreement. This is the final order of the Commission in this case. See 29 U.S.C. §§ 659(c), 660(a), and (b).

Stuart E. Weisberg
 Stuart E. Weisberg
 Chairman

Edwin G. Foulke, Jr.
 Edwin G. Foulke, Jr.
 Commissioner

Dated March 25, 1994

Velma Montoya
 Velma Montoya
 Commissioner

NOTICE OF ORDER

The attached Order by the Occupational Safety and Health Review Commission was issued and served on the following on March 25, 1994.

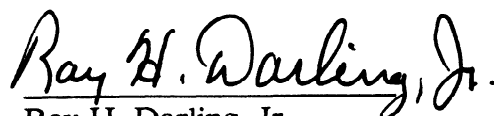
Daniel J. Mick, Esq.
Counsel for Regional Trial Litigation
Office of the Solicitor, USDOL
200 Constitution Ave., N.W. Room S4004
Washington, D.C. 20210

Tedrick Housh, Esq.
Regional Solicitor
Office of the Solicitor, U.S. DOL
Federal Office Building, Room 2106
911 Walnut Street
Kansas City, MO 64106

Chester Rice, President
Akbar Electric Service Company, Inc.
3737 N. Kingshighway
St. Louis, MO 63115

Irving Sommer
Administrative Law Judge
Occupational Safety and Health
Review Commission
One Lafayette Centre
1120 20th Street, Suite 990
Washington, D.C. 20036-3419

FOR THE COMMISSION


Ray H. Darling, Jr.
Executive Secretary

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,
Complainant,

OSHRC DOCKET
NO. 93-2518

v.

AKBAR ELECTRIC SERVICE COMPANY, INC.,
Respondent.

STIPULATION AND SETTLEMENT AGREEMENT

The Secretary of Labor, United States Department of Labor, hereinafter referred to as the "Secretary," and Akbar Electric Service Company, Inc., hereinafter referred to as the "respondent," stipulate and agree as follows:

1. Based upon a reevaluation of the evidence and the statutory factors upon which the proposed penalties are determined, the Secretary hereby amends the citation and the proposed penalty as set forth below:

Citation #1

<u>Item #</u>	<u>Proposed Penalty</u>	<u>Amended Penalty</u>	<u>Amendment</u>
1	\$1,000.00	\$200.00	---
	TOTAL	\$200.00	

The citation and notification of proposed penalty are deemed amended accordingly.

2. Respondent hereby withdraws its notice of contest to citation number 1 and its notification of

4BMI1016:RSM

proposed penalty, as amended herein. In support of its withdrawal, respondent states:

(a) That the abatement of all items of citations numbered 1 and 2 has been accomplished and agrees that February 14, 1994, shall be the final abatement date for said items. Respondent will mail a letter to Denver L. Holt, Area Director, St. Louis Area Office of the Occupational Safety and Health Administration, stating that abatement has been completed and stating the manner in which abatement was completed for each item.

(b) That a copy of this stipulation and settlement agreement was posted at respondent's workplace on February 22, 1994, at 3737 N. KINGSHIGHWAY STE 106, (Bulletin Board) ST. LOUIS, MISSOURI 63115
(PLEASE INSERT LOCATION WHERE AGREEMENT IS TO BE POSTED)

_____ where it may be viewed by its employees; that affected employees are represented by INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,

_____ ; and, that a copy of this stipulation and settlement agreement has been served on IBEW 5850 ELIZABETH AVENUE, ST. LOUIS, MO 63110

_____, by prepaid, first class mail this 11TH day of MARCH, 1994.

(c) That it has tendered payment of the total penalty of \$200.00 to the Secretary's representative.

3. The Secretary and respondent agree that based on the foregoing representations of respondent, an order may be entered of record showing that respondent has withdrawn its notice of contest and entering the citation and notification of proposed penalty, as amended herein, as a final order of the Commission.

4. Further, each party hereby agrees to bear his or its own fees and other expenses incurred by such party in connection with any stage of this proceeding.


Dated this 16th day of June, 1994.

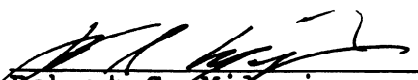
Thomas S. Williamson, Jr.
Solicitor of Labor

AKBAR ELECTRIC SERVICE
COMPANY, INC.

Tedrick A. Housh, Jr.
Regional Solicitor

By


Chester Rice, President
3737 N. Kingshighway
St. Louis, MO 63115
(314) 382-2568


Robert S. Milgrim
Attorney
911 Walnut St., Rm. 2106
Kansas City, MO 64106-2085
(816) 426-6441

Respondent

Attorneys for
Secretary of Labor,
U.S. Department of Labor

NOTICE TO EMPLOYEES OR EMPLOYEE REPRESENTATIVE

The attached stipulation and settlement agreement has been entered into by the parties hereto, and is being submitted to the Occupational Safety and Health Review Commission for entry as a final order. If you have any comments on the stipulation and settlement agreement, you may submit them within ten days of service or posting of the stipulation to:

Irving Sommer
Chief Administrative Law Judge
Occupational Safety and Health
Review Commission
One Lafayette Centre
1120 20th Street, N.W., Room 990
Washington, D.C. 20036-3419

A copy of such comments should also be sent to:

Tedrick A. Housh, Jr.
Regional Solicitor
U.S. Department of Labor
911 Walnut Street, Room 2106
Kansas City, Missouri 64106-2085

Served and/or posted this 22nd day of
February, 1994.



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
One Lafayette Centre
1120 20th Street, N.W. — 9th Floor
Washington, DC 20036-3419

PHONE:
COM (202) 606-5100
FTS (202) 606-5100

FAX:
COM (202) 606-5050
FTS (202) 606-5050

SECRETARY OF LABOR
Complainant,

v.

AKBAR ELECTRIC SERVICE COMPANY, INC.
Respondent.

OSHRC DOCKET
NO. 93-2518

**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 January 6, 1994. The decision of the Judge will become a final order of the Commission on February 7, 1994 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 January 26, 1994 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: January 6, 1994

DOCKET NO. 93-2518

NOTICE IS GIVEN TO THE FOLLOWING:

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

Tedrick Housh, Esq.
Regional Solicitor
Office of the Solicitor, U.S. DOL
Federal Office Building, Rm. 2106
911 Walnut Street
Kansas City, MO 64106

Chester Rice, President
Akbar Electric Service Company,
Inc.
3737 N. Kingshighway
St. Louis, MO 63115

Irving Sommer
Chief Administrative Law Judge
Occupational Safety and Health
Review Commission
One Lafayette Centre
1120 20th St. N.W., Suite 990
Washington, DC 20036 3419

00106547193:07

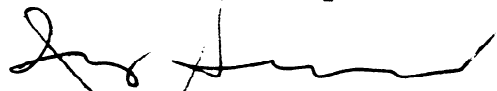
**UNITED STATES OF AMERICA
 OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

SECRETARY OF LABOR, <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">v.</p> AKBAR ELECTRIC SERVICE CO. <p style="text-align: center;">Respondent,</p>	: : : : : : : : : : : : : : :	Docket No. 93-2518
---	---	--------------------

ORDER

On NOVEMBER 24, 1993 the undersigned issued an **ORDER TO SHOW CAUSE** to the Respondent as to why his Notice of Contest should not be **dismissed for failure** to file an answer to the complaint as required by the **Commission Rules of Procedure**. The Respondent failed to reply to the **ORDER**. His actions demonstrate either that he has abandoned the case or treats the Rules of Procedure of the Commission with disdain. This cannot be countenanced as it seriously impedes the administration of justice.

Accordingly, the Notice of Contest filed by the Respondent is dismissed. The Secretary's citation(s) and proposed penalties are **AFFIRMED** in all respects.



IRVING SOMMER
 Judge

DATE: JAN 06 1994
 Washington, D.C.