



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.

CATERPILLAR LOGISTICS SERVICES,
INC.,

Respondent

UAW LOCAL 974,

Authorized Employee
Representative.

OSHRC Docket No. 09-0901

REMAND ORDER

Before: ROGERS, Chairman; ATTWOOD, Commissioner.

BY THE COMMISSION:

This case is before the Commission on remand from the United States Court of Appeals for the Seventh Circuit. *Caterpillar Logistics Services, Inc. v. Solis*, 674 F.3d 705 (7th Cir. 2012). On appeal, the court reviewed a decision of Administrative Law Judge Patrick B. Augustine affirming a violation of 29 C.F.R. §1904.4(a). *Caterpillar Logistics Services, Inc.*, 23 BNA OSHC 1806 (No. 09-0901, 2011). In an opinion dated March 20, 2012, the court vacated the judge's decision.

By mandate filed May 14, 2012, the court has remanded the case to the Commission. We, in turn, remand this case to the judge for further proceedings consistent with the court's opinion.
SO ORDERED.

/s/
Thomasina V. Rogers
Chairman

/s/
Cynthia L. Attwood
Commissioner

Dated: May 14, 2012