



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.

OSHRC Docket No. 17-0909

VALMET, INC.,

Respondent.

DIRECTION FOR REVIEW & REMAND ORDER

Before: MACDOUGALL, Chairman; ATTWOOD and SULLIVAN, Commissioners.

BY THE COMMISSION:

An order issued by Administrative Law Judge Keith Bell, approving a settlement agreement between Respondent and the Secretary, was issued on December 11, 2017, and docketed the next day. The judge's order becomes a final order of the Commission on January 11, 2018. 29 U.S.C. § 661(j) (absent direction for review, judge's decision becomes a final order of the Commission after 30 days). On December 29, 2017, the Secretary filed an unopposed motion to vacate the judge's order because the settlement agreement that the judge approved was not, in fact, the final agreement between the parties—rather, the parties had inadvertently submitted a prior draft of the agreement, which included an erroneous abatement date. The motion also seeks approval of the corrected agreement, which the Secretary attached to the motion. A handwritten notation on the corrected agreement states that it was posted by the employer on December 29, 2017. *See* 29 C.F.R. § 2200.100(c) (requiring posting of settlement agreement).

Under Commission Rule 100(c), an order approving the corrected agreement must not be issued until after the agreement has been posted and the ten-day period for filing "objection[s] to

the reasonableness of any abatement time” has expired.¹ *Id.* In order to allow the judge the opportunity to approve the corrected settlement agreement once the ten-day period has elapsed, we direct the case for review and remand it to the judge to consider the Secretary’s motion. *See* 29 C.F.R. § 2200.4(a) (“When the period of time prescribed or allowed is less than 11 days, the period shall commence on the first day which is not a Saturday, Sunday, or Federal holiday, and intermediate Saturdays, Sundays, and Federal holidays shall likewise be excluded from the computation.”).

SO ORDERED.

/s/ _____
Heather L. MacDougall
Chairman

/s/ _____
Cynthia L. Attwood
Commissioner

/s/ _____
James J. Sullivan, Jr.
Commissioner

Dated: January 11, 2018

¹ We note that the judge’s December 11, 2017, approval order was issued prior to the expiration of Rule 100(c)’s ten-day period, which began when the erroneous version of the settlement agreement was posted on November 28, 2017.

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United States Department of Labor, *
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v. *
VALMET, INCORPORATED, *
Respondent. *

REGION I
DOCKET NO. 17-0909
INSPECTION NO. 1212247

ORDER

This case has been assigned to this Judge for disposition.

The Settlement Agreement is approved in its entirety in accordance with its terms.

SO ORDERED.

/s/

Honorable Keith Bell
JUDGE, OSHRC

Washington, D.C.

Dated Dec 11 2017