



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1120 20<sup>th</sup> Street, N.W., Ninth Floor  
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

OSHRC Docket No. 17-0196

OVATION PLUMBING, INC.,

Respondent.

**REMAND ORDER**

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

BY THE COMMISSION:

In an April 17, 2018 Decision and Order, Administrative Law Judge Brian A. Duncan affirmed a violation of 29 C.F.R. § 1926.501(b)(1) and assessed a penalty of \$1,000. The decision became a final order of the Commission on May 18, 2018. Respondent subsequently filed a petition for review with the U.S. Court of Appeals for the Tenth Circuit. On November 20, 2018, the court issued an order granting the parties' Joint Motion for a Remand and remanding the matter to the Commission "for the limited purpose of considering the parties' settlement."

The Commission now remands the matter to Administrative Law Judge Brian A. Duncan to review the settlement agreement and consider any objections pursuant to Commission Rule 100, 29 C.F.R. § 2200.100.

SO ORDERED.

/s/  
Heather L. MacDougall  
Chairman

/s/  
Cynthia L. Attwood  
Commissioner

/s/  
James J. Sullivan, Jr.  
Commissioner

Dated: December 20, 2018