

<hr/>		
SECRETARY OF LABOR,	:	
	:	
Complainant,	:	
	:	
v.	:	OSHRC Docket No. 00-1643
	:	
INTERSTATE BRANDS, INC.,	:	
	:	
Respondent.	:	
<hr/>		

DIRECTION FOR REVIEW AND REMAND ORDER

On October 30, 2000, the Chief Administrative Law Judge issued an Order granting the Secretary’s Motion to Vacate Notice of Contest and on the same day the Executive Secretary issued a Notice of Docketing of Administrative Law Judge’s Decision. The Respondent subsequently filed a Motion Under Commission Rule 90(b)(3) to Vacate Decision arguing in part that the Judge’s Order may have been issued through oversight or inadvertence.

The Commission has reviewed this matter and concludes that the Judge should rule on the Respondent’s Motion Under Commission Rule 90(b)(3) to Vacate Decision. Accordingly, this

case is directed for review and remanded to the Chief Administrative Law Judge for further proceedings.

So Ordered.

Date: November 9, 2000

/s/
Thomasina V. Rogers
Chairman

/s/
Gary L. Visscher
Commissioner

/s/
Stuart E. Weisberg
Commissioner

00-1643

NOTICE IS GIVEN TO THE FOLLOWING:

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

Michael A. Stabler, Regional Solicitor
Kathleen Butterfield, Attorney
Office of the Solicitor, U.S. DOL
1210 City Center Square
1100 Main Street
Kansas City, MO 64105

Mark S. Dreux, Esq.
McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096