



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3419

Phone: (202) 606-5400
Fax: (202) 606-5050

SECRETARY OF LABOR
Complainant,

v.

FIRST AMERICAN CONSTRUCTION CORP.
Respondent.

OSHRC DOCKET
NO. 95-0249

**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 August 3, 1995. The decision of the Judge will become a final order of the Commission on September 5, 1995 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 August 23, 1995 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: August 3, 1995

DOCKET NO. 95-0249

NOTICE IS GIVEN TO THE FOLLOWING:

Patricia Rodenhause, Esq.
Regional Solicitor
Office of the Solicitor, U.S. DOL
201 Varick, Room 707
New York, NY 10014

Anthony Inzerilo, President
First American Construction &
Development Corporation
78-01 83rd Street
Glendale, NY 11385

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

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BACKGROUND

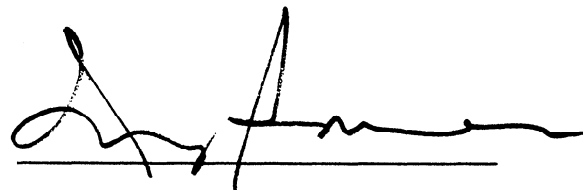
Following an inspection of the Respondent's business site in Brooklyn, New York, the Secretary of Labor issued one serious citation and one other citation to the Respondent. Subsequently, the Secretary filed a Motion to dismiss Respondent's notice of contest in this matter because it was untimely filed. The case is before the undersigned for a decision on the issue of the Secretary's motion to dismiss. A hearing was scheduled in this matter on May 31, 1995, in New York, New York.

DISCUSSION

At the hearing on May 31, 1995, the Respondent's president testified that the above-captioned corporation is no longer in business. Respondent's president agreed to supply the undersigned and the Secretary with a copy of the corporation's certificate of dissolution to support his testimony. Subsequently, Respondent's president has furnished the undersigned and the Secretary with a copy of the corporation's certificate of dissolution.

ORDER

Having received a copy of the corporation's certificate of dissolution, IT IS ORDERED that the citations, penalties and abatement dates are AFFIRMED as issued against the corporation.

A handwritten signature in black ink, appearing to read 'Irving Sommer', written over a horizontal line.

IRVING SOMMER

Chief Judge, OSHRC

DATED:

AUG - 1 1985
Washington, D.C.