

UNITED STATES OF AMERICA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION One Lafayette Centre 1120 20th Street, N.W. — 9th Floor Washington, DC 20036–3419

PHONE: COM (202) 606-5100 FTS (202) 606-5100 FAX: COM (202) 606-5050 FTS (202) 606-5050

SECRETARY OF LABOR Complainant, v.

OSHRC DOCKET NO. 92-3710

DUNLOP TIRE CORPORATION Respondent.

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 January 26, 1994. The decision of the Judge will become a final order of the Commission on February 25, 1994 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 February 15, 1994 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

ay H. Warling, & lags

Date: January 26, 1994

Ray H. Darling, Jr. Executive Secretary

DOCKET NO. 92-3710

NOTICE IS GIVEN TO THE FOLLOWING:

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

George Palmer, Assoc. Reg. Sol. Office of the Solicitor Chambers Bldg., Highpoint Office Center, Suite 150 100 Centerview Drive Birmingham, AL 35216

J. Larry Stine, Esquire Wimberly & Lawson, P.C. Suite 1750, Lenox Towers 3400 Peachtree Road, N.E. Atlanta, GA 30326

Gary Neeley, President URW. Local 915 218 Lime-Quarry Road Madison, AL 35758

Nancy J. Spies Administrative Law Judge Occupational Safety and Health Review Commission 1365 Peachtree St., N. E. Suite 240 Atlanta, GA 30309 3119

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UNITED STATES OF AMERICA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION 1365 PEACHTREE STREET, N.E., SUITE 240 ATLANTA, GEORGIA 30309-3119

PHONE: COM (404) 347-4197 FTS (404) 347-4197 FAX: COM (404) 347–0113 FTS (404) 347–0113

SECRETARY OF LABOR, Complainant,	:
v.	•
DUNLOP TIRE CORPORATION, Respondent,	:
and	: :
URW LOCAL NO. 915, Authorized Employee Representative.	:

OSHRC Docket No.: 92-3710

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Appearances:

Marsha L. Semon, Esquire Office of the Solicitor U. S. Department of Labor Birmingham, Alabama For Complainant J. Larry Stine, Esquire Wimberly and Lawson Atlanta, Georgia For Respondent

Mr. Gary Neeley United Rubber Workers, Local 915

For Authorized Employee Representative

Before: Administrative Law Judge Nancy J. Spies

DECISION AND ORDER

This proceeding is before the Occupational Safety and Health Review Commission for decision. On October 22, 1992, the Occupational Safety and Health Administration (OSHA) issued one citation to respondent, Dunlop Tire Corporation. Respondent, by letter dated November 16, 1992, contested the citation. By Order dated January 14, 1993, the United Rubber Workers, Local No. 915, was granted party status. A hearing was held on December 7, 1993, in Huntsville, Alabama, at which time and place the parties appeared. Prior to presentation of evidence, the parties announced that they were successful in reaching agreement on all matters at issue in this case. The terms of the agreement were stated in open court on the record and are hereby approved and incorporated as a part of this decision and order. Accordingly, it is

ORDERED: 1. The citation issued on October 22, 1992, is affirmed as amended by a change in the classification of Item 1 [§ 1910.212(a)(1)] from repeated to serious and by withdrawal of instance "(b)" as a basis of violation. A penalty of \$7,000.00 is assessed; and

2. Respondent's motion to withdraw its notice of contest, pursuant to the terms of settlement, is granted.

/s/ Nancy J. Spies NANCY J. SPIES Judge

Date: January 10, 1994