



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
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Washington, DC 20036-3419

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SECRETARY OF LABOR
Complainant,

v.

HOMESTEAD GOURMET FOOD COMPANY, INC.
Respondent.

OSHRC DOCKET
NO. 93-0151

**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 12, 1994. The decision of the Judge will become a final order of the Commission on February 11, 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 2, 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:

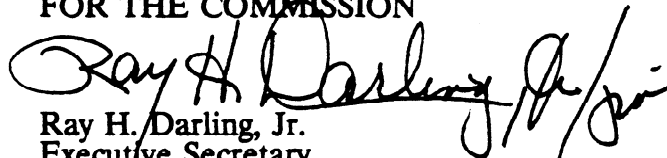
Executive Secretary
Occupational Safety and Health
Review Commission
1120 20th St. N.W., Suite 980
Washington, D.C. 20036-3419

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


Ray H. Darling, Jr.
Executive Secretary

Date: January 12, 1994

DOCKET NO. 93-0151

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

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

Zalmon Sandon, Vice-President
Homestead Gourmet Food Co., Inc.
1 Baltimore Avnue
Linden, NJ 07065

Irving Sommer
Chief Administrative Law Judge
Occupational Safety and Health
Review Commission
One Lafayette Centre
1120 20th St. N.W., Suite 990
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29 CFR 1910.332(b)(1) and 29 CFR 1910.1200(e)(1). Other than serious violations were charged of the standard at 29 CFR 1904.2(a), 29 CFR 1904.5(c), 29 CFR 1910.147(c)(4)(i), 29 CFR 1910.157(e)(3) and 29 CFR 1910.333(b)(2)(i). The respondent timely contested the citations. Following the filing of a complaint and answer and pursuant to a notice of hearing the case came on to be heard in New York, N.Y. on November 30, 1993. No jurisdictional issues are in dispute, the parties having pleaded sufficient facts to establish that the respondent is subject to the Act and the Commission has jurisdiction of the parties and of the subject matter.

DISCUSSION

Both parties presented their case at the hearing and rested. Subsequent to the hearing the Secretary and the Respondent entered into a settlement agreement which fully disposes of all the issues, and has been reduced to a written Stipulated Settlement.

ORDER

The terms and conditions of the Stipulated Settlement incorporated here in its entirety are approved.



IRVING SOMMER
Judge

DATED: JAN 11 1994
Washington, D.C.

SOL:EDC:gr
(93) 35376

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

ROBERT B. REICH, Secretary of Labor, :
United States Department of Labor, :
Complainant, : OSHRC Docket
v. : NO. 93-0151
HOMESTEAD GOURMET FOOD CO., INC., :
Respondent. :

ORDER APPROVING SETTLEMENT

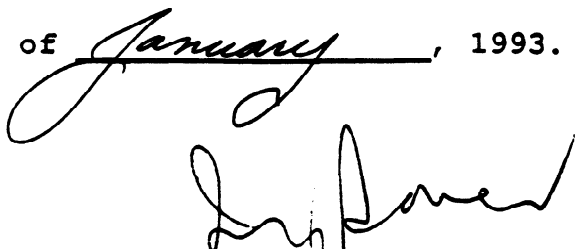
After a full hearing was held in this matter on November 30, 1993; the parties agreed to settle the issues in dispute.

An executed Settlement Agreement has been received from the parties, and this Agreement addresses all matters at issue between the parties in this proceeding. The Agreement having been read and considered it is

ORDERED: (1) That the terms of the Settlement Agreement are approved and incorporated as part of this Order; and

(2) That this Order, pursuant to Section 12(j) of the Act, 29 U.S.C. § 661(j), will become the final order of the Commission at the expiration of 30 days from the date of docketing by the Executive Secretary, unless within that time a member of the Commission directs that it be reviewed.

Dated this 11th day of January, 1993.



HONORABLE IRVING SOMMER
Judge, Occupational Safety
& Health Review Commission