



UNITED STATES OF AMERICA  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
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**SECRETARY OF LABOR**  
Complainant,

v.

**TACKETT TANK, INC.,**  
Respondent,

**DENNIS J. GRADY,**  
Authorized Employee  
Representative.

**OSHRC DOCKET**  
**NO. 92-2248**

**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 April 6, 1994. The decision of the Judge will become a final order of the Commission on May 6, 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 April 26, 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

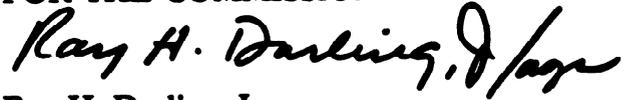
Petitioning parties shall also mail a copy to:

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

DOCKET NO. 92-2248

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

A handwritten signature in cursive script that reads "Ray H. Darling, Jr." followed by a diagonal slash and a flourish.

Ray H. Darling, Jr.  
Executive Secretary

Date: April 6, 1994

**DOCKET NO. 92-2248**

**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.  
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Office of the Solicitor, U.S. DOL  
525 Griffin Square Bldg., Suite 501  
Griffin & Young Streets  
Dallas, TX 75202**

**Kevin W. Weaver, Esq.  
Weaver & Craig  
65 Germantown Court, Suite 110  
Cordova, TN 38018**

**Mr. Dennis J. Grady  
Route #1, Box 185  
Houston, TX 72070**

**Louis G. LaVecchia  
Administrative Law Judge  
Occupational Safety and Health  
Review Commission  
Federal Building, Room 7B11  
1100 Commerce Street  
Dallas, TX 75242 0791**

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UNITED STATES OF AMERICA  
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SECRETARY OF LABOR,

Complainant,

v.

TACKETT TANK, INC.,

Respondent.

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OSHRC DOCKET NO. 92-2248-S

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DENNIS J. GRADY,

Authorized Employee  
 Representative.

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**DECISION AND ORDER**

This is a proceeding brought before the Occupational Safety and Health Review Commission ("the Commission") pursuant to section 10 of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.* ("the Act").

By order of January 7, 1994, Dennis J. Grady was granted party status and was asked to submit a letter stating any and all objections to the settlement agreement executed by the Secretary and the Respondent and filed with this office on October 22, 1993. In response, Mr. Grady has filed various documents presenting a tragic story in regard to the accident which caused the death of his son and initiated the proceedings in this matter.

The undersigned is cognizant of the circumstances of this case and sympathizes with Mr. Grady's loss. However, as pointed out in the January 7 order, Commission precedent is well settled that the only objections employees or their representatives may make to a settlement agreement before the Commission is in regard to the reasonableness of the

period set for abatement. It is clear from the documentation submitted that Mr. Grady is not objecting to the reasonableness of the period set for abatement. It is also clear that no such objections can be made in any case because the settlement agreement specifically states that the cited conditions have been abated. The undersigned is therefore constrained to approve the agreement and has no authority to entertain any other objections; however, Mr. Grady can, should he so desire, petition for review of this matter pursuant to the instructions set out in the cover letter to this decision. The settlement agreement is hereby approved and is incorporated herein by reference.



Louis G. LaVecchia  
Administrative Law Judge

Date: **MAR 24 1994**