



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1825 K STREET NW
4TH FLOOR
WASHINGTON, DC 20006-1246

FAX
COM (202) 634-4008
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SECRETARY OF LABOR
Complainant,
v.
CUSTOM SERVICES
Respondent.

OSHRC DOCKET
NO. 92-1708

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 February 10, 1993. The decision of the Judge will become a final order of the Commission on March 12, 1993 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 March 2, 1993 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
1825 K St. N.W., Room 401
Washington, D.C. 20006-1246

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) 634-7950.

FOR THE COMMISSION

Ray H. Darling, Jr.
Executive Secretary

Date: February 10, 1993

DOCKET NO. 92-1708

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

Ms. Bobbye D. Spears
Regional Solicitor
Office of the Solicitor, U.S. DOL
Suite 339
1371 Peachtree Street, N.E.
Atlanta, GA 30309

Mr. C. M. Meyer, President
Custom Services
1896 Kentucky Avenue
Post Office Box 966
Winter Park, FL 32790

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

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent, Custom Services, was at all times relevant to this proceeding engaged in a business affecting commerce and had employees within the meaning of Section 3(5) of the Occupational Safety and Health Act of 1970 (Act). The Commission has jurisdiction of the parties and the subject matter of this proceeding.

2. The Secretary withdraws Item No. 2 of Citation No. 1, the alleged violation of 29 C.F.R. § 1926.451(a)(3).

3. The following violations are affirmed and penalties assessed:

<u>Item No.</u>	<u>Violation</u>	<u>Penalty</u>
1	29 C.F.R. § 1926.100(a)	\$325.00
3a	29 C.F.R. § 1926.451(a)(4)	325.00
3b	29 C.F.R. § 1926.451(d)(10)	
3c	29 C.F.R. § 1926.451(d)(10)	
4	29 C.F.R. § 1926.451(d)(3)	325.00

ORDER

Based upon the foregoing decision, it is ORDERED that:

1. The serious citation issued on May 7, 1992, is vacated, modified and affirmed in accordance with the above.
2. Penalties in the total amount of \$975.00 are assessed.

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

Date: February 3, 1993