

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

Office of Executive Secretary
Phone: (202) 606-5400

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5050

SECRETARY OF LABOR,	:	
	:	
Complainant,	:	
	:	
v.	:	OSHRC Docket No. 97-1304
	:	
WAYNE J. GRIFFIN ELECTRIC, INC.,	:	
	:	
Respondent.	:	

ORDER

This matter is before the Commission on a direction for review entered by Chairman Stuart E. Weisberg on January 15, 1998. The parties have now filed a stipulation and settlement agreement disposing of all issues on review. Accordingly, the stipulation and settlement agreement is approved.

FOR THE COMMISSION

Date: June 15, 1998

/s/
RAY H. DARLING, JR.
EXECUTIVE SECRETARY

NOTICE IS GIVEN TO THE FOLLOWING:

Daniel J. Mick
Orlando J. Pannocchia
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Ave., N.W.
Washington, D.C. 20210

Dion Y. Kohler
Jackson, Lewis, Schnitzler & Krupman
1900 Marquis One Tower
245 Peachtree Center Avenue, N.E.
Atlanta, GA 30303-1226

Ken S. Welsch
Administrative Law Judge
Occupational Safety and Health
Review Commission
1924 Building - Room 2R90
100 Alabama Street, S.W.
Atlanta GA 30303-3104

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

	:	
ALEXIS M. HERMAN,	:	
SECRETARY OF LABOR,	:	
Complainant,	:	
v.	:	OSHRC Docket No. 97-1304
	:	
WAYNE J. GRIFFIN ELECTRIC, INC.	:	
Respondent.	:	
	:	

STIPULATION AND SETTLEMENT AGREEMENT

I

The parties have reached agreement on a full and complete settlement and disposition of the issues in this proceeding which are currently pending before the Commission.

It is hereby stipulated and agreed by and between the Complainant, Secretary of Labor, and the Respondent, Wayne J. Griffin Electric, Inc., that:

1. Complainant hereby amends item 1a of Serious Citation 1 to characterize the alleged violation of 29 C.F.R. 1926.404(a) (2) as other-than-serious with no proposed penalty, as found by ALJ Ken Welsch in his November 24, 1997 Decision and Order. Respondent hereby withdraws its notice of contest to said violation as amended.

2.

2. Complainant hereby withdraws item 1b of Serious Citation 1, alleging a violation of 29 C.F.R. 1926.405(b) (2), issued to respondent and the notification of proposed penalty for that item.

3. Each party agrees to bear its own fees and other expenses incurred by such party in connection with an stage of this proceeding.

4. None of the foregoing agreements, statements, stipulations, or actions taken by Wayne J. Griffin Electric, Inc., shall be deemed an admission by Respondent of the allegations contained in the citations or the complaint herein. The agreement, statements, stipulations, and actions herein are made solely for the purpose of settling this matter economically and amicably and shall not be used for any other purpose, except for subsequent proceedings and matters brought by the Secretary of Labor directly under the provisions of the Occupational Safety and Health (OSH) Act of 1970.

5. Respondent states that there are no authorized representatives of affected employees.

6. The parties agree that this Stipulation and Settlement Agreement is effective upon execution.

3.

7. Respondent certifies that a copy of this Stipulation and Settlement Agreement was posted at its Tuscaloosa, Alabama worksite in a conspicuous manner on the 28th day of May, 1998, pursuant to Commission Rules 7 and 100, and will remain posted for a period of ten (10) days.

Dated this 28th day of May, 1998.

Respectfully submitted,
MARVIN KRISLOV
Deputy Solicitor for
National Operations

JOSEPH M. WOODWARD
Associate Solicitor for
Occupational Safety and Health

DONALD G. SHALHOUB
Deputy Associate Solicitor for
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DANIEL J. MICK
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/s/
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/s/
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