



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.
MUSTANG PLUS
Respondent.

OSHR DOCKET
NO. 91-3466

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 7, 1993. The decision of the Judge will become a final order of the Commission on February 8, 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 January 27, 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

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

Ray H. Darling, Jr.
Executive Secretary

Date: January 7, 1993

DOCKET NO. 91-3466

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

James E. White, Esq.
Regional Solicitor
Office of the Solicitor, U.S. DOL
525 Griffin Square Bldg., Suite 501
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Dallas, TX 75202

William W. Dendy, General Manager
Mustang Plus
4333 Scottsdale Drive
Dallas, TX 75227

Stanley M. Schwartz
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
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
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FTS 729-0350

SECRETARY OF LABOR, :

Complainant, :

v. :

MUSTANG PLUS, :

Respondent. :

OSHRC DOCKET NO. 91-3466

APPEARANCES:

Terry Goltz Greenberg, Esq.
Dallas, Texas
For the Complainant

William W. Dendy, pro se.
Dallas, Texas
For the Respondent

Before: Administrative Law Judge Stanley M. Schwartz

DECISION AND ORDER

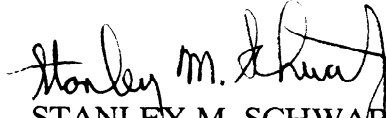
This is a proceeding brought before the Occupational Safety and Health Review Commission ("the Commission") pursuant to section 10 of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.* ("the Act"). As a result of an inspection of Respondent's workplace, a serious citation containing 8 items and a non-serious citation containing 3 items were issued by the Secretary.

A hearing in this matter was held on November 6, 1992 in Dallas, Texas. At the completion of the hearing, the Secretary and Respondent were afforded an opportunity to discuss settlement of this matter. They were successful in reaching an agreement with respect to all pending issues.

The agreement provides as follows:

1. The Secretary withdrew items 1(a), 1(b), 3, 5, 7(a) and 7(b) of serious citation number 1 and items 1, 2, and 3 of non-serious citation number 2.
2. Items 4(a), 4(b) and 8 of serious citation number 1 was amended to reflect non-serious violations of the standards cited.
3. Items 2 and 6 of serious citation number 1 were retained as serious violations.
4. The parties agreed to a combined total penalty of \$2,000 for all retained items of the citations.

The agreement set forth above meets the requirements of the Commission for hospitable consideration of settlements. The settlement agreement is approved.


STANLEY M. SCHWARTZ
Administrative Law Judge

Date: **DEC 28 1992**