



United State of America  
Occupational Safety and Health Review Commission  
One Lafayette Center  
1120 20<sup>th</sup> St. N.W. – 9<sup>th</sup> Floor  
Washington, DC 20036-3457

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SECRETARY OF LABOR, :  
:   
Complainant, :  
:   
- v - :  
:   
S.A. STORER AND SONS, CO., :  
Respondent. :  
:

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OSHRC Docket No. 01-1587

***REMAND ORDER***

On March 19, 2004, the United States Court of Appeals for the District of Columbia Circuit issued a decision and order vacating the order of the Review Commission dated September 5, 2002. The court granted in part Respondent's petition for review with respect to an alleged violation of 29 C.F.R. §1926.451(g)(1). The court affirmed the decision of Commission Judge Stephen J. Simko as to the materials staging area of the scaffold and vacated the decision as to the window opening area. The court remanded the matter to the Commission for further proceedings consistent with its decision.

We in turn remand this matter to Judge Simko. On remand, the judge is directed to vacate the citation in so far as it alleges a violation with regard to the window opening area, affirm the citation as to the materials staging area, and reassess an appropriate penalty for that portion of the citation which is affirmed.

The ALJ is directed to issue his decision and order on an expedited basis pursuant to Commission Rule 103, 29 C.F.R. §2200.103.

Date: May 27, 2004

/s/ \_\_\_\_\_

W. Scott Railton  
Chairman

/s/ \_\_\_\_\_

James M. Stephens  
Commissioner

/s/ \_\_\_\_\_

Thomasina V. Rogers  
Commissioner