

SECRETARY OF LABOR,

Complainant,

v.

RED-HAWK CONSTRUCTION, INC.,

Respondent.

OSHRC Docket No. 02-1180

DIRECTION FOR REVIEW AND ORDER

On March 20, 2003, the Chief Administrative Law Judge issued an order approving the Stipulation and Joint Motion (original stipulation) filed by the parties on February 26, 2003. Paragraph four of the original stipulation states that the Respondent shall pay a total penalty of \$18,900.00.

The Secretary has now filed a Motion to Amend Stipulation and Joint Motion (motion to amend) together with the revised Stipulation and Joint Motion (revised stipulation) stating that the penalty of \$18,900.00 shall be paid in eighteen monthly installments of \$1,050.00 each. In her motion to amend the Secretary asks the Commission to file the revised stipulation as a replacement for the original stipulation.

The Commission directs this case for review and refers the motion and revised stipulation to the Chief Administrative Law Judge for further proceedings. So Ordered.

Date: April 24, 2003

/s/

W. Scott Railton
Chairman

/s/

Thomasina V. Rogers
Commissioner

/s/

James M. Stephens
Commissioner

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ORDER

The Commission has jurisdiction over the subject matter of the case and over the parties by virtue of the filing of a timely notice of contest.

The stipulation and Joint Motion between the parties filed on February 26, 2003, has been considered. The parties certify that affected employees were properly notified of the settlement on February 21, 2003. No objection to the settlement has been filed.

The settlement is approved under 5 U.S.C. § 2200.100. The terms of the Stipulation and Joint Motion are incorporated, in their entirety, by reference in this order.

/s/

Irving Sommer

Chief Judge, OSHRC

Dated: March 20, 2003