



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

COLEMAN HAMMONS CONSTRUCTION
CO.,

Respondent.

OSHRC Docket No. 17-0992

REMAND ORDER

Before: SULLIVAN, Chairman; ATTWOOD and LAIHOW, Commissioners

BY THE COMMISSION:

This case is before the Commission on remand from the United States Court of Appeals for the Fifth Circuit. *Coleman Hammons Constr. Co. v. OSHRC*, 942 F.3d 279 (5th Cir. 2019). The Commission affirmed a decision by Administrative Law Judge Heather A. Joys granting the Secretary's motion to dismiss Respondent's late notice of contest. *Sec'y of Labor v. Coleman Hammons Constr. Co.*, No. 17-0992, 2018 WL 3048421, at *3 (OSHRC June 13, 2018). On appeal, the Fifth Circuit reversed the Commission's decision. 942 F.3d at 285. By mandate filed December 30, 2019, the court remanded this case to the Commission. We, in turn, remand this case to the judge for further proceedings consistent with the court's opinion.

SO ORDERED.

/s/ _____
James J. Sullivan, Jr.
Chairman

/s/ _____
Cynthia L. Attwood
Commissioner

/s/ _____
Amanda W. Laihow
Commissioner

Dated: January 23, 2020