



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.

RANDALL MECHANICAL, INC.,

Respondent.

OSHRC Docket No. 17-1595

REMAND ORDER

Before: SULLIVAN, Chairman; ATTWOOD and LAIHOW, Commissioners.

BY THE COMMISSION:

This case is on remand from the United States Court of Appeals for the Eleventh Circuit. *Randall Mechanical, Inc. v. Sec’y of Labor*, 798 F. App’x 604 (11th Cir. 2020) (unpublished). On September 19, 2017, Randall filed a late notice of contest for a citation issued by the Occupational Safety and Health Administration. 29 U.S.C. § 659(a). The company subsequently sought relief under Federal Rule of Civil Procedure 60(b)(1) from the resulting final order. *Id.* (uncontested citation is “deemed a final order of the Commission”). On April 11, 2018, Administrative Law Judge John B. Gatto issued a decision denying this relief and dismissing the case. *Randall*, Docket No. 17-1595, 2018 WL 2326109 (O.S.H.R.C.A.L.J., Apr. 11, 2018). Randall timely filed a petition for discretionary review of the judge’s decision. The petition was not granted, and the decision became a final order of the Commission.

On appeal, the Eleventh Circuit vacated the judge’s decision and remanded with instructions that the judge apply “Supreme Court and Eleventh Circuit precedent” to Randall’s Rule 60(b)(1) motion. *Randall*, 798 F. App’x at 605. Accordingly, this case is remanded 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 Wood Laihow
Commissioner

Dated: May 15, 2020