



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.

CLIFFHANGERS, INC.,

Respondent.

OSHRC Docket Nos. 06-1786, 06-1787 & 06-1788

APPEARANCES:

Constance B. Franklin, Attorney; Frank V. McDermott, Jr., Regional Solicitor; Howard M. Radzely, Solicitor; U.S. Department of Labor, Washington, DC

For the Complainant

Patrick West, *pro se*, President, Cliffhangers, Inc., Boston, MA

For the Respondent

REMAND ORDER

Before: THOMPSON, Chairman; ROGERS, Commissioner.

BY THE COMMISSION:

In an order dated May 29, 2007, Chief Administrative Law Judge Irving Sommer entered a default judgment against Cliffhangers, Inc., in these three cases. The Secretary has now filed an unopposed petition for discretionary review asking that the Commission vacate the judge's default decision and affirm a settlement agreement signed by the parties that "affirms all violations exactly as issued and amends only the penalty assessments." Chairman Horace A. Thompson III directed the cases for review on June 27, 2007.

Consistent with the Commission's policy of encouraging settlement at any stage of the proceedings, *see* Commission Rule of Procedure 100(a), 29 C.F.R. § 2200.100(a), we now set aside the judge's default order, and remand the cases to the judge for consideration of the settlement agreement.

SO ORDERED.

/s/
Horace A. Thompson III
Chairman

/s/
Thomasina V. Rogers
Commissioner

Dated: July, 2 2007