

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,
Complainant,

v.

ATLANTIC BOWLING
INSTALLATION SERVICE,
Respondent.

Docket No. 02-0900

DECISION AND ORDER

DECISION

Respondent's failure to respond to, reply to, or in any way even attempt to comply with an August 2, 2002, Order To Show Cause is, by itself, appropriate grounds upon which to dismiss the notice of contest and affirm the citation and notification of proposed penalties issued to Respondent on or about April 23, 2002. IT IS SO ORDERED.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent was, at all times pertinent hereto, an employer within the meaning of section 3(5) of the Occupational Safety and Health Act of 1970, 29 U. S. C. § § 651 - 678 (1970).
2. The Occupational Safety and Health Review Commission has jurisdiction over the parties and the subject matter.
3. Respondent was in violation of section 5(a)(2) of the Occupational Safety and Health Act of 1970 in that it failed to comply with the standards as alleged in Citation 1, Items 1 and 2.
4. Each of the violations of the Act was serious.
5. A total civil penalty of \$1,500.00 is appropriate.

ORDER

1. Citation 1, Items 1 and 2, are AFFIRMED.
2. A civil penalty of \$ 1,500.00 is assessed.

/s/

Michael H. Schoenfeld
Judge, OSHRC

Dated: September 10, 2002
Washington, D.C.