



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
 1120 20th Street, N.W., Ninth Floor
 Washington, DC 20036-3419

SECRETARY OF LABOR,	:	
	:	
Complainant,	:	
	:	
v.	:	OSHRC DOCKET NO. 97-0465
	:	
MACEDOS CONSTRUCTION	:	
COMPANY, INC.	:	
	:	
Respondent.	:	
	:	

APPEARANCES:

Luis A. Micheli, Esquire
 New York, New York
 For the Complainant.

Jack Macedo
 East Hanover, New Jersey
 For the Respondent, *pro se.*

Before: Chief Judge Irving Sommer

DECISION AND ORDER

This is a proceeding before the Occupational Safety and Health Review Commission (“the Commission”) pursuant to section 10 of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.* (“the Act”). The Occupational Safety and Health Administration (“OSHA”) conducted an inspection of a construction site in Dover, New Jersey, on October 8, 1996; as a result, Respondent Macedos Construction Company (“Macedos”) was issued a serious citation alleging violations of 29 C.F.R. §§ 1926.501(b)(1), 1926.701(b), 1926.1051(a), 1926.1053(b)(1) and 1926.1053(b)(6). Macedos timely contested the citation, the case was designated an E-Z Trial case pursuant to Commission Rule 203(a), and the case came on to be heard in New York, New York, on November 19, 1997. No jurisdictional issues are in dispute, and there is sufficient evidence in the record to establish that Macedos is subject to the Act and that the Commission has jurisdiction of the parties and of the subject matter in this case.

Discussion

At the conclusion of the hearing that was held on November 19, 1997, the parties were able to achieve a settlement through the diligent efforts of their designated representatives and with the assistance of the Court. The settlement, which has now been reduced to a written stipulated settlement and has been signed by both parties, disposes of this matter in its entirety.

Order

The terms and conditions of the stipulated settlement, incorporated herein in its entirety, are approved.

Irving Sommer
Chief Judge

Date: