

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

v.

WEIGHT WATCHERS GOURMET FOOD
CO., INC.,

Respondent.

Docket No. 96-1800

Appearances: Patrick L. Depace, Esq.
Office of the Solicitor of Labor
US Department of Labor
For Complainant

Tod T. Morrow, Esq.
Black, McCuskey, Souers & Arbaugh
Canton, Ohio
For Respondent

Before: Michael H. Schoenfeld, Administrative Law Judge

AMENDED DECISION AND ORDER

I Recision of Decision and Order

The Decision and Order distributed to the parties on December 17, 1997 is hereby rescinded in its entirety.

II Background and Procedural History

This case arises under the Occupational Safety and Health Act of 1970, 29 U.S.C. § § 651 - 678 (1970) ("the Act").

Having had a worksite in Massillion, Ohio, inspected by a compliance officer of the Occupational Safety and Health Administration ("OSHA"), Weight Watchers Gourmet Food Company, Inc. ("Respondent") was issued one citation alleging four serious violations of the Act. A total penalty of \$5,625 was proposed. Respondent timely contested. The case came on to be heard

on August 25, 1997 in Cleveland, Ohio. No affected employees sought to assert party status.

Jurisdiction

Complainant alleges and Respondent does not deny that it is an employer engaged in food preparation, packaging and sales. Respondent does not deny that it uses tools, equipment and supplies which have moved in interstate commerce and conducts a business affecting interstate commerce.

Discussion

The parties announced at the hearing that in accordance with Commission Rule 100, 29 C.F.R. § 2200.100, a settlement had been reached.

The terms of the settlement have been reduced to writing and have been submitted. The terms of the settlement meet the requirements of Commission Rule 100(b), 29 C.F.R. § 2200.100(b). Accordingly, the settlement is approved under 5 U.S.C. § 554(c)(1) and Commission Rule 100. The terms of the stipulated settlement are incorporated, in their entirety, by reference in this order.

Dated:

Washington, DC

Michael H. Schoenfeld
Judge, OSHRC