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COMMONWEALTH OF KENTUCKY
OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION

SECRETARY OF LABOR
COMMONWEALTH OF KENTUCKY

KOSHRC # 1417

COMPLAINANT

VS.

LINDLE BRACE SHOP

RESPONDENT

DECISION AND ORDER

In accordance with Section 47(3) of the Rules of Procedure of this Commission, the Hearing Officer's Recommended Order in the above-styled case was called for review on November 18, 1986.

After a careful review of the evidence, the Commission VACATES that portion of the Recommended Order which states that the proposed penalty for violations 1(a) and 1(b), (29 CFR 1910.215(a)(4) and 29 CFR 1910.215(b)(9)), is \$25.00, and additionally VACATES that portion stating that the proposed penalty for violations 2(a) and 2(b), (29 CFR 1910.219(d)(1) and 29 CFR 1910.219(e)(1)(i)), is \$25.00.

KRS 338.991(2) requires that a serious violation be accompanied by some penalty assessment. American Saw & Tool Division of Vermont American Corporation, KOSHRC #854 (1982). We find that a penalty assessment of one dollar (\$1.00) per violation to be reasonable under the circumstances of this case.

THEREFORE, the Commission hereby ORDERS the Respondent to pay a total penalty of two dollars (\$2.00) for the serious violations referenced above.

All other findings and conclusions of the Hearing Officer not inconsistent with this decision and order are hereby AFFIRMED.



William H. Shields, Chairman

s/Carl J. Ruh

Carl J. Ruh, Commissioner

s/Charles E. Braden

Charles E. Braden, Commissioner

DATED: December 4, 1986

DECISION NO. 1671

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Hon. Rose Ashcraft
Assistant Counsel
Labor Cabinet
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Frankfort, KY 40601

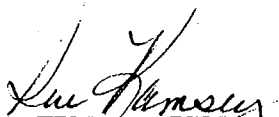
(Messenger Mail)

Mr. James L. Lindle II, Pres.
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Medical Towers South
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(Cert. Mail #P337 117 051)

This 4th day of December, 1986.

Kenneth Lee Collova
Executive Director
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Sue Ramsey
Executive Assistant