

COMMONWEALTH OF KENTUCKY  
OCCUPATIONAL SAFETY AND HEALTH  
REVIEW COMMISSION

KOSHRC #1431

SECRETARY OF LABOR  
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

AMERICAN LUMBER COMPANY

RESPONDENT

DECISION AND ORDER

The parties in the above-referenced action shall take notice that pursuant to Section 47(3) of the Rules of Procedure of this Commission, the Recommended Order in this matter was called for review by the Review Commission on May 26, 1988.

After a review of the evidence of record, we have decided that a further reduction in the penalty is necessitated. It has long been established that the Review Commission may direct a reduction of proposed penalty based upon the economic condition of the employer. See, Mason Tool & Engineering, KOSHRC #444, (1978) and L.T. Smith Construction Co., KOSHRC #626, (1980). As we stated in Higdon Construction Co., KOSHRC #1448, (1987), the purpose of the Act is to provide safe working conditions for employees and not to contribute to the financial collapse of the entities which pay those employees' salaries.

We therefore find that a penalty assessment of \$1,000.00 is reasonable under the circumstances of this case.

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

s/William H. Shields  
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William H. Shields, Chairman

s/Carl J. Ruh  
\_\_\_\_\_  
Carl J. Ruh, Commissioner

*Charles E. Braden*  
\_\_\_\_\_  
Charles E. Braden, Commissioner

DATED: June 6, 1988


Copy of the foregoing Order has been served upon the following parties in the manner indicated:

Hon. Terry Anderson (Messenger Mail)  
Assistant Counsel  
Labor Cabinet  
Office of General Counsel  
U. S. 127 South  
Frankfort, KY 40601

Mr. J. Wallen (Cert. Mail #P587 663 060)  
American Lumber Co.  
P. O. Box 681  
Monticello, KY 42633

This 6th day of June, 1988.

KOSH REVIEW COMMISSION  
#4 Millcreek Park  
Route #3, Millville Road  
Frankfort, KY 40601-9427  
PH: (502) 564-6892

  
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Sue Ramsey  
Executive Assistant