

COMMONWEALTH OF KENTUCKY
OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION

KOSHRC NO. 2920-96

SECRETARY OF LABOR
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

BOB LARUE, DAVE LENEAVE,
BARNEY STEVENSON, JAMES JOHNSON
EMPLOYEES OF EATON CORPORATION TOOL ROOM

RESPONDENT

* * * * *

DECISION AND ORDER
OF THIS REVIEW COMMISSION

We called this case under our authority contained in section 47 (3) of our rules of procedure¹ (ROP) to review whether our hearing officer erred when he dismissed citation 1, item 2b. We asked for briefs but only the respondents elected to comply. Since neither party filed a petition for discretionary review (ROP 48 (1)) asking us to consider the hearing officer's decision to vacate citation 1, item 1, it became a final order of this commission on May 5, 1997. ROP 48 (1) and KRS 338.091.

Following our review of the record, the recommended order of the hearing officer and the brief filed by respondents, we find no error. Accordingly, we affirm the recommended order of our hearing officer.

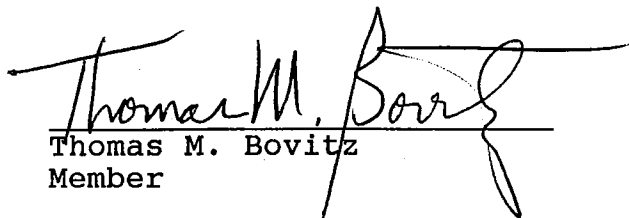
It is so ordered.

Entered this July 1, 1997.

¹ Enacted as section 47 (3), 803 KAR 50:010.

Handwritten signature of Robert M. Winstead in cursive script.

Robert M. Winstead
Chairman

Handwritten signature of Thomas M. Bovitz in cursive script.

Thomas M. Bovitz
Member

CERTIFICATE OF SERVICE

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

ROBERT WHITTAKER
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(MESSENGER MAIL)

BOB LARUE
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(CERT MAIL P 059 750 362)

This 2nd day of July.1997

KOSH REVIEW COMMISSION
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Sue Ramsey
Acting Executive Director