

Wayne

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KENTUCKY OCCUPATIONAL SAFETY AND HEALTH

REVIEW COMMISSION

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IRIS R. BARRETT  
EXECUTIVE DIRECTOR

MERLE H. STANTON  
CHAIRMAN

CHARLES B. UPTON  
MEMBER

JOHN C. ROBERTS  
MEMBER

July 30, 1979

KOSHRC #557

COMMISSIONER OF LABOR  
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

B. G. DANIS COMPANY

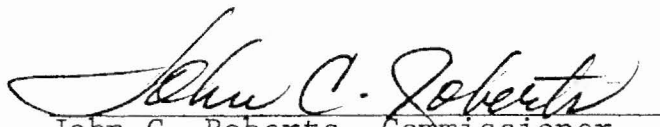
RESPONDENT

DECISION AND ORDER OF  
REVIEW COMMISSION

Before STANTON, Chairman; UPTON and ROBERTS, Commissioners. ROBERTS, Commissioner, for the Majority.

A Recommended Order of Hearing Officer Wayne Waddell, issued under date of 30 April 1979, is presently before this Commission for review of the recommended penalty reduction pursuant to a direction of review ordered by Chairman Merle H. Stanton.

Finding that the evidence establishes sufficient mitigating circumstances to justify the recommended reduction in penalty, it is accordingly hereby ORDERED by this Commission that the Hearing Officer's decision be and it is hereby AFFIRMED.

  
John C. Roberts, Commissioner

s/Charles B. Upton  
Charles B. Upton, Commissioner

STANTON, Chairman, Dissenting:

I dissent from the majority action in this case. The Commissioner of Labor proposed a fair penalty assessment of \$420. The Commissioner's forty percent reduction in the unadjusted \$700 penalty reveals that due consideration was given by the Commissioner to the Respondent's history

and good faith efforts to comply with occupational safety and health requirements. It is my opinion that the record does not indicate additional mitigating circumstances sufficient to justify the Hearing Officer's further reduction in penalty.

  
Merle H. Stanton, Chairman

DATED: July 30, 1979  
Frankfort, Kentucky

DECISION NO. 748

Copy of this Decision and Order has been served by mailing or personal delivery on the following:

Commissioner of Labor (Messenger Service)  
Commonwealth of Kentucky  
U. S. 127 South  
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Honorable Larry D. Hamfeldt (First Class Mail)  
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Mr. James Lawson (Cert. Mail #P10 9897817)  
Brotherhood of Carpenters & Joiners  
Local 472  
924 Greenup  
Ashland, Kentucky 41101

This 30th day of July, 1979.

  
Iris R. Barrett  
Executive Director