



612

KENTUCKY OCCUPATIONAL SAFETY AND HEALTH

John Y. Brown, Jr.
GOVERNOR

REVIEW COMMISSION

MERLE H. STANTON
CHAIRMAN

IRIS R. BARRETT
EXECUTIVE DIRECTOR

104 BRIDGE ST.

CHARLES B. UPTON
MEMBER

FRANKFORT, KENTUCKY 40601

JOHN C. ROBERTS
MEMBER

PHONE (502) 564-6892

February 15, 1980

KOSHRC #612

COMMISSIONER OF LABOR
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

CHESAPEAKE AND OHIO RAILWAY COMPANY
(CHESSIE SYSTEM)

RESPONDENT

DECISION AND ORDER OF
REVIEW COMMISSION

Before STANTON, Chairman; UPTON and ROBERTS, Commissioners.

UPTON and ROBERTS, Commissioners, for the MAJORITY.

A Recommended Order of Hearing Officer Wayne Waddell, issued under date of October 30, 1979, is presently before this Commission for review pursuant to a Petition for Discretionary Review filed by the Complainant.

Finding no error in the application of the law to the facts herein, and further finding that the evidence appears to adequately support the findings and conclusions of the Hearing Officer, it is the ORDER of a majority of the Review Commission that the Recommended Order of the Hearing Officer be and it is hereby AFFIRMED.



John C. Roberts, Commissioner

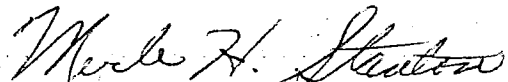
s/Charles B. Upton

Charles B. Upton, Commissioner

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STANTON, Chairman, Dissenting:

I respectfully dissent from the majority opinion in this case.


Merle H. Stanton, Chairman

DATED: February 15, 1980
Frankfort, Kentucky

DECISION NO. 833

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

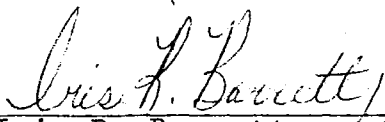
Commissioner of Labor (Messenger Service)
Commonwealth of Kentucky
Department of Labor
U. S. 127 South
Frankfort, Kentucky 40601
Attention: Hon. Michael D. Ragland
Executive Director for
Occupational Safety & Health

Hon. Cathy C. Snell (Messenger Service)
Assistant Counsel
Department of Labor
U. S. 127 South
Frankfort, Kentucky 40601

Hon. Steven B. Garfunkel (Cert. Mail #P04 3613953)
The Chesapeake & Ohio Railway Co.
P. O. Box 6419
Cleveland, Ohio 44101

Chessie System (Cert. Mail #P04 3613954)
Russell
Kentucky 41169

This 15th day of February, 1980.



Iris R. Barrett
Executive Director