



679

KENTUCKY OCCUPATIONAL SAFETY AND HEALTH

REVIEW COMMISSION

104 BRIDGE ST.

FRANKFORT, KENTUCKY 40601

PHONE (502) 564-6892

September 8, 1980

John Y. Brown, Jr.  
GOVERNOR

IRIS R. BARRETT  
EXECUTIVE DIRECTOR

MERLE H. STANTON  
CHAIRMAN

CHARLES B. UPTON  
MEMBER

JOHN C. ROBERTS  
MEMBER

KOSHRC #679

COMMISSIONER OF LABOR  
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

BABCOCK AND WILCOX,  
B & W CONSTRUCTION COMPANY

RESPONDENT

DECISION AND ORDER OF  
REVIEW COMMISSION

Before UPTON and ROBERTS, Commissioners.

PER CURIAM:

A Recommended Order of Hearing Officer L. Stanley Chauvin, Jr., issued under date of June 6, 1980, is presently before this Commission for review pursuant to an Order Granting Complainant's Petition for Discretionary Review and Briefing Time and Directing Review, issued by this Commission on June 26, 1980.

After careful review of the testimony, pleadings and documents in this case, including the Respondent's Discretionary Review Brief, it is the finding of this Commission that the weight of the evidence in this matter supports the findings of fact and conclusions of law as set forth in the Hearing Officer's Recommended Order.

Accordingly, it is the ORDER of the Review Commission that the Recommended Order of the Hearing Officer be and it is hereby AFFIRMED. The contested citations and proposed penalties are DISMISSED.

  
John C. Roberts, Commissioner

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

DATED: September 8, 1980  
Frankfort, Kentucky

DECISION NO. 905

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

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

Hon. Hugh M. Richards (Messenger Service)  
Assistant Counsel  
Department of Labor  
U. S. 127 South  
Frankfort, Kentucky 40601

Hon. William C. Lucas (Cert. Mail #P14 8475626)  
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Mr. G. L. Schaffer (First Class Mail)  
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3333 Copley Road  
Copley, Ohio 44321

Babcock & Wilcox, B & W Const. Co. (First Class Mail)  
P. O. Box 248  
Louisa, Kentucky 41230

This 8th day of September, 1980.

  
Iris R. Barrett  
Executive Director