

**IN THE MATTER OF
WILLIAMS STEEL ERECTION**

*** BEFORE THE
* COMMISSIONER OF LABOR
* AND INDUSTRY
* MOSH CASE NO. L4102-032-
* 95
* OAH CASE NO. 95-DLR-
* MOSH-41-001957**

* * * * *

FINAL DECISION AND ORDER

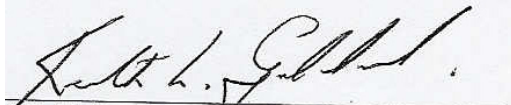
This matter arose under the Maryland Occupational Safety and Health Act, Labor and Employment Article, Title 5, *Annotated Code of Maryland*. Following an inspection, the Maryland Occupational Safety and Health Unit of the Division of Labor and Industry (“MOSH”), issued a citation to Williams Steel Erection Company, Inc. (“Williams Steel” or Employer”), alleging a violation. Following an evidentiary hearing, Georgia B. Powell, Hearing Examiner, issued a Proposed Decision recommending dismissal of the citation.

Thereafter, pursuant to Labor and Employment Article, § 5-214(e), *Annotated Code of Maryland*, the Commissioner of Labor and Industry ordered review. On August 6, 1996, the Commissioner held the review hearing and heard argument from the parties. Based upon a review of the entire record and consideration of the relevant law and the positions of the parties, including the documentary evidence and the testimony, the Deputy Commissioner affirms the Hearing Examiner’s conclusion that MOSH has failed to prove that the cited standard applies. Citation 1 is dismissed.

ORDER

For the foregoing reasons, the Deputy Commissioner of Labor and Industry, on the 3rd day of June, 2003, hereby **ORDERS**:

1. Citation 1, Item 1, alleging a serious violation of 29 CFR 1926.550(a)(19) with a proposed penalty of \$1225.00 is **DISMISSED**.
2. This Order becomes final 15 days after it issues. Judicial review may be requested by filing a petition for review in the appropriate circuit court. Consult Labor and Employment Article, § 5-215, Annotated Code of Maryland, and the Maryland Rules, Title 7, Chapter 200.



Keith Goddard
Deputy Commissioner of Labor and Industry